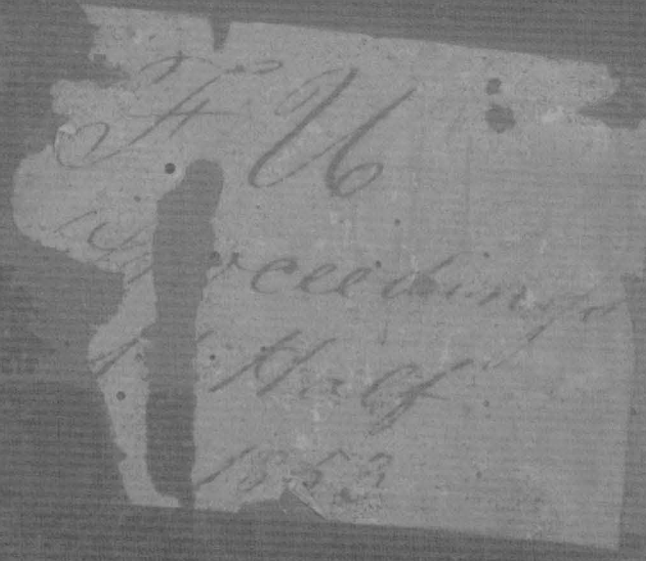
272

1138



30

F. No.

Monday - - -
3d January 1853

At a Court of the Fouzdaree Udalut.

Present.

G. S. Hooper Esqre
W. A. Morehead Esqre
T. Le. Strange Esqre
} Puisne Judges

Read Calendar of Case No 39 of 1852 on the file of the Session Court of Cuddalore.—

(Here enter F. No. 2843 of 1852)

The Court of Fouzdaree Udalut fully concur in the remarks recorded by the Acting Session Judge in regard to the impropriety of issuing a warrant for the apprehension of a number of persons upon the very vague and unsatisfactory information upon which the warrant issued in this Case appears to have been based.—

Ordered that Extract from these Proceedings be sent to the Acting Session Judge of Cuddalore for communication to the Magistrate of South Arcot.—

(Sent in No

Read Calendar of Case No 4 of 1853

1852 of the Sessions Court of Nellore.—

(Here enter F. U. No. 2822/1852)

1 The Court of Fouzdaree Udalut are of opinion that this case should have been treated as one of theft merely and not of Housebreaking also; and that it should have been disposed of of by the Principal Sudder Ameen under the provisions of Clause fourth, Section III Regulation VI of 1822.—

2 With this view of the case, and as it has been disposed of by the Sessions Judge, the Court of Fouzdaree Udalut are of opinion that a further mitigation than that proposed by the Sessions Judge should be made, and they resolve to direct that the sentence now recorded against the 1st Prisoner be mitigated to 2 years imprisonment with hard labor in irons; that against the 2nd Prisoner to one of two months, and that against the 3rd Prisoner as a previous offender to one of six months imprisonment and hard labor in irons.—

Ordered



Ordered that Extract from these Proceedings be forwarded to the Sessions Judge of Nellore for his information and guidance by Precept returnable within V days from and after its receipt.—

(Sent following Precept No.

Read Criminal Report B submitted by the Acting Sessions Judge of Mangalore for the month of October 1852.—

(Here enter F. U. No. 2737 of 1852)

Case No. 153. 1 The Prisoner was charged with having under the intent of committing Highway robbery assumed the character of a Check bundy Peon and thereby induced the Prosecutor and others to halt on their journey.

2 The Court of Fouzdaree Udalut are unable to perceive how the charge in this case, can be viewed as an attempt at Highway robbery and they resolve to call upon the Acting Sessions Judge to submit for their consideration the detailed report of this case under form A.

Ordered that Extract from

these

these Proceedings be sent to the Acting Sessions Judge of Mangalore for his information and guidance by precept returnable within X days from and after its receipt.—

(Sent following Precept No.

Read Calendar of Case No. 15 of 1852 of the Sessions Court of Chicacole.

(Here enter F. D. No. 2906 of 1852)

1 The Court of Foujdaree Udalut observe that the Sessions Judge's sentence should have set forth the grounds on which it was passed.

Ordered that Extracts from these Proceedings be forwarded to the Sessions Judge of Chicacole for his information and future guidance.—

(Sent in No.

Read letter dated the 13th December 1852 from the Magistrate of Salem applying for sanction to admit Chinnegan, originally forwarded to the Subordinate Courts as 1st witness in Case No. 186 of 1852, but returned to the Magistrate under Circular Order Foujdaree Udalut dated 28th October 1822 as an approver.—

(Here enter F. D. No. 2902 of 1852)

F. D.

3rd January 1853.

1 The Court of Foujdaree Udalut resolve under the authority vested in them by Section XII Regulation XIII of 1832 to sanction the offer of a pardon to the witness Chinnegan on the terms and conditions specified in Section XX Regulation VIII of 1802.—

2 The Court of Foujdaree Udalut remark that the deposition of the said Chinnegan should have been forwarded by the Magistrate.—

Ordered that Extract from these Proceedings be forwarded to the Magistrate of Salem for his information and guidance.—

(Sent in No.

Read again Calendar of Case No. 46 of 1852 submitted by the Sessions Judge of Calicut.—

(Here enter F. D. No. 2684 of 1852)

Read also Return under date the 27th November 1852 from the Sessions Judge of Calicut to the Precept of the Foujdaree Udalut under date 20th November

1852

1852 conveying their preliminary orders on the foregoing Case.—

(Here enter F. R. No. 2808 of 1852)

The Court of Fouzdaree Adalut resolve to direct that an English Translation of the record of the foregoing case be submitted for their consideration.—

Ordered that Extract from these Proceedings be sent to the Sessions Judge of Calicut for his information by Precept returnable within XV days from and after its receipt.—

(Sent following Precept No.

Read letter under date the 30th November 1852 from the Subordinate Judge of Calicut.—

(Here enter F. R. No. 2833 of 1852)

1 In the foregoing letter the Subordinate Judge has applied for sanction to admit as Approvers under the provisions of Section XII Regulation XIII of 1802 certain persons who have been committed for trial on certain charges of Gang Robbery.—

2 It appears to the Court of Fouzdaree Adalut from a perusal of the depositions submitted by the Subordinate Judge that the evidence of the prisoners referred to would be insufficient for the conviction of the principals in the crimes charged uncorroborated by other proof and the Court of Fouzdaree Adalut are therefore constrained to decline complying with the Subordinate Judge's application.—



Ordered that Extract from these Proceedings be sent to the Subordinate Judge of Calicut for his information.

(Sent in No.

Read letter under date the 25th November 1852 from the Sessions Judge of Tellicherry forwarding English Translation of the record of case No. 12 of 1852 on the Calendar of the Sessions Court for the final Judgement of the Court of Fouzdaree Adalut.

(Here enter F. R. No. 3009 of 1852)

The Court of Fouzdaree Adalut on a deliberate consideration of all the circumstances of the case in evidence before them being of opinion that the Prisoners,

1st Enamrengalam Okun

2d " Ponankott Killapen
3d " Vitiery Ivan Kanen
4th " Vitiery Ivan Kammaren
5th " Vallalil (and) Ivan Ramen

are not convicted on presumptive proof or on the evidence of credible witnesses, or on their own confession of the crimes charged, do acquit them thereof, and direct that they be set at liberty.—

1 The 1st Prisoner in this case was charged with having on the night of the 28th July 1852 proceeded to the house of the 2d Prosecutor in Nottadrshoim Novoom-bala Ushom in the Wynaad Taluk and there murdered the 2d Prosecutors son Okandy by cutting his throat with a bill hook.

2 The 2d, 3d, 4th and 5th prisoners were charged with having been present aiding and abetting the commission of the murder.—

3 The 1st Prisoner was further charged with having after the perpetration of the murder opened the door of the house in the outer Verandah of which the deceased had been sleeping and entered therein and with having opened a bin inside and taken out therefrom a box containing Jewels and ornaments the property of the 2d Prosecutor and further with having robbed a silver waistchain from the person of



the deceased, which he was stated to have given to the 5th prisoner, the total value of the property plundered by him being estimated at Rupees 86— 13— 4.

4 The Sessions Judge considering the evidence sufficient for the conviction of all the prisoners of having been concerned in the perpetration of the murder charged, has recommended that the 1st and 2d prisoner should be sentenced to death and the 3d 4th and 5th to transportation for life.—

5 On an attentive perusal of the record the Court of Foujdaree Adalut have been unable to concur with the Sessions Judge in considering the evidence sufficient for the conviction of any of the prisoners charged.—

6 The motive alleged for the commission of the crime is the existence of enmity against the deceased more or less strong on the part of each of the prisoners; the evidence however does not show that any quarrel of a recent date had occurred between any of the prisoners and the deceased and the causes assigned for the existence of the enmity ascribed to the prisoners, some from the distance

of

of time since they are said to have arisen and others from their trivial nature are in the opinion of the Court altogether insufficient to justify the supposition that five persons would have been induced by them to combine together for the commission of the heinous crime with which the prisoners have been charged.

7 The Court of Foujdaree Ada-lut can attach no credit to the statement of the 1st Prosecutor to the effect that the deceased had mentioned to him some time before the murder was committed that he was afraid the prisoners would kill him; none of the property said to have been carried off has been discovered; it is admitted by the Sessions Judge that the stains observed on the cloths of the 1st and 2d prisoners cannot be taken as evidence against them, being small and indistinct and bearing little or no resemblance to blood; and as to the Bill-hook discovered on a second search and under very suspicious circumstances with reference to the integrity of the search in the house of the 3d and 4th prisoners and which is said to belong to the 1st prisoner, the Court are of opinion that there is no evidence whatever to



connect it with the 1st prisoner or to show that it was used for the murder of the deceased.—

8 Nor can the Court place any reliance on the evidence of the 1st witness whose statements are most improbable and with reference to the inconsistencies and improbabilities they contained, should have been tested by a searching cross examination by the Sessions Judge.

9 The Statement of the 4th witness of his having previous to the murder been questioned by the 2d prisoner as to who slept in the house with the deceased does not appear to have been made by him until the 11th August the date of his deposition before the Head of Police and even if it were true would be obviously insufficient for the conviction of the 2d prisoner against whom alone it can be received as evidence.—

10 An inference to the prejudice of the 1st prisoner has been deduced by the Sessions Judge from the evidence of the 2d Prosecutor as to the manner in which his jewels were abstracted, one box in which his valuables were secured having been broken open and another

another left undisturbed which circumstance has been considered by the Sessions Judge to point to the guilt of the 1st prisoner, he being the only person besides the deceased who knew where the said property was kept.—

14 The inference is somewhat forced, and, even as merely "corroborative evidence", would require to be entertained with caution; but the examination as to the extent of the robbery was most defective, and the only detailed information on the subject is to be found in the report addressed by the 3d witness to the Heads of Police on the 29th July the day after the Murder wherein it is stated that "the door, a bin, a box and a small "wooden box in the bin" had been broken open. From this report it would appear that the Robbery was not of the partial nature deposed to by the 2d Prosecutor and the inference against the 1st prisoner clearly falls to the ground.—

12 The 1st prisoner denied the crime throughout and the confessions of the other prisoners before the Police appear to the Court of Foujdaree Adalut so full of improbabilities as to be altogether undeserving of

F. C.

3d January 1853 of credit, and entertaining the above opinion of the evidence throughout the Court have been unable to attach any value to the admissions made by the 3d 4th and 5th prisoners before the Principal Sudder Ameen as to the correctness of their Police confessions.

13 The Court of Foujdaree Adalut accordingly directed that all the prisoners should be unconditionally released.—

14 The Court of Foujdaree Adalut resolve to direct that the Head of Police by whom the case was committed be called upon to account for the delay which occurred in recording the Statements of the prisoners, the 1st of whom was arrested on the 1st August, but was not examined till the 9th, while the 2d 3d and 4th having been arrested on the 31st July and the 5th on the 2d August were not examined till the 5th.—

Ordered that Extract from these Proceedings be sent to the Sessions Judge of Tellichery by Precept returnable within X days from and after its receipt.—

(Sent following Precept No 5

E. T. Holt

J. C.

Tuesday
4th January 1853 } At a Court of the Fouzdaree Adalut.

Present

Sir W. G. S Trotter Esquire
W. H. A. Morshead Esquire
H. L. Stronge Esquire
} Presiding Judges.

Road Criminal Reports submitted by the Presiding Judge of Bellary for the Months of October 1852.

(Reporter F. C. No 2730 of 1852)

Report A Case No 47

The Court of Fouzdaree Adalut observe that the provisions of the Law under which the Presiding Judge acted in this Case in directing the preliminary inquiry of the Prisoner should have been cited.

Magistrates Report Case No 13

2 The Court of Fouzdaree Adalut are of opinion that the Magistrate was correct in considering that this Case should have been committed to the Criminal Court; the Prisoner it appears was charged with having broken into the Prosecutors premises and stolen therefrom a bullock and the Case was designated as one of Cattle Stealing and treated as such by the Joint Magistrate by whom it was tried.

The

3

The Court of Fuydarra Adalut consider that the fact of the breaking rendered the Case punishable as housebreaking irrespective of the subject of the theft.

Ordered that Extract from these Proceedings be forwarded to the Sessions Judge of Bellary for his information and guidance and for communication of paras 2 and 3 to the Magistrate by precept returnable within x days from and after its receipt.

/Sent following Precept &c/

Read Calendar of Cases &c submitted by the Sessions Judge of Cuddapah under date the 1st December 1952.

/Interpreter File No 2907 of 1952/

Before passing final orders in this Case the Court of Fuydarra Adalut proceed to direct that English translations of those portions of the Record which have reference to the 3rd, 4th, 5th and 6th prisoners may be submitted for their consideration.

Ordered that Extract from these Proceedings be sent to the Sessions Judge of Cuddapah for his information by precept returnable within XV days from and after its receipt.

/Sent following Precept &c/

Read



Read letter under date the 10th November 1952 from the Sessions Judge of Rajahmundry forwarding English translation of the record of Case No 37 of 1952 on the Calendar of the Sessions Court for the final Judgment of the Court of Fuydarra Adalut.

/Interpreter File No 2900 of 1952/

Mr. S. Hooper

The Court of Fuydarra Adalut, on a deliberate consideration of all the circumstances of the Case as evidence before them, being of opinion that the prisoners

1st Chandya Annadarayudu

and

2nd Narapsonraidy Simmalanna

are not convicted on presumptive proof, or on the evidence of credible witnesses or on their own confession, of the crime charged, do acquit them the three of and direct that they be set at liberty.

/Sent in &c/

Read Calendar of Cases No 3 of 1952 submitted by the Sessions Judge of Chingleput under date the 1st January 1953.

/Interpreter File No 6 of 1953/

Read Report dated 1st January 1953 submitted by the Sessions Judge of Chingleput

of

4th January 1953.-

of Cases pending on the 31st December 1952 and for trial during the Months of October and November 1952 before the Superior Judge.-

/Errata entr F.C. No 10 of 1953/

Road Calendar of Cases No 39 of 1952 submitted by the Superior Judge of Chittoor under date the 20th July 1952.-

/Errata entr F.C. No 11 of 1953/

Road Calendar of Cases No 21 of 1952 submitted by the Superior Judge of Guntoor under date the 29th December 1952.-

/Errata entr F.C. No 15 of 1953/

Road letter dated the 2nd December 1952 from the Superior Judge of Kurnool forwarding Criminal Report B received from the Magistrate of Cuddapah of a Case disposed of in November 1952.-

/Errata entr F.C. No 16 of 1953/

Road Calendar of Case No 38 of 1952 submitted by the Superior Judge of Masulipatam under date the 30th December 1952.-

/Errata entr F.C. No 19 of 1953./

Dr 18.0.0

F.C.

Thursday 6th January 1953 } At a Court of the Faujdarry Adalut.-

Present

Hon'ble G.S. Hooper Esquire
Hon'ble W.A. Morehead Esquire
Hon'ble J.L. Stranger Esquire
} Puisne Judges.-

Road letter from the Superior Judge of Chittoor under date the 20th December 1952 forwarding copy of one to his address from the Acting Subordinate Judge of Chittoor reporting the escape of 2 Convicts from the Jail Hospital on the night of the 1st and their recapture on the 2nd of December 1952.-

(Here enter F.C. No 2966 of 1952)

The Court of Faujdarree Adalut observe that the Acting Subordinate Judge should have held examinations relative to the escape from all who could throw light on the subject and have furnished them to the Superior Judge.-

Ordered that Extract from these Proceedings be sent to the Superior Judge of Chittoor for his information and for communication to the Acting Subordinate Judge.-

Road Calendar of Cases No 37 of 1952 of the Superior Court of Nellore.-

/Errata entr F.C. No 2946 of 1952/

Ser

The Court of Foujdaree Adalut approve of the recommendation made by the Sessions Judge in this Case that the imprisonment which the Prisoner noted in the Margin has been adjudged to suffer on his conviction of the crime of House breaking with theft be reduced to 4 (four) years imprisonment with hard labor in irons, and they do Authorize the Sessions Judge to issue his warrant accordingly.

Ordered that Extract from these Proceedings be forwarded to the Acting Sessions Judge of Nellore for his information.

(Sent in &c)

Read Calendar of persons punished and discharged by the Magistrate and his Assistants in the Villals of Rajahmundry from July to September 1852 forwarded by the Sessions Judge.

(Recd enter F/Js No 2973 of 1852)

1st Chundari Narrasimulu

Case No 73.

1 The Prisoner in this Case was charged with misdemeanour in having irregularly communicated with and supplied with opium her husband then under confinement in the Gillals Sub at Rajahmundry.

2 The Court of Foujdaree Adalut are of opinion that this is not a Case for Criminal prosecution and therefore direct that the Entries be cancelled and the fine returned.

6th January 1853.

No 76.

3 The Prisoner in this Case was charged with "Breach of the Peace" in having stabbed himself with intent to intimidate the Village Moonsiff and Curnum.

4 The Court of Foujdaree Adalut observe that the Statements as here given does not appear to Embody a Criminal offence.

Ordered that Extract from these Proceedings be sent to the Sessions Judge of Rajahmundry for his information and for communication to the Magistrate by precept returnable in X Days from and after its receipt.

(Sent following precept &c)

Read Calendar of persons punished by the Magistrate and his Assistants in the Villals of Cuncara from 1st April to 30th June 1852 both inclusive forwarded by the Acting Sessions Judge of Bangalore.

(Recd enter F/Js No 2937 of 1852)

No 109.

1 The Court of Foujdaree Adalut observe that this Case would appear to have been one of Kidnapping and should have been sent up to the Criminal Court.

No 110.

2 The Court of Foujdaree Adalut remark that this Case seems to have been one of Fraud.

The Court of Foujdaree Adalut

Decree

A° 115.- observe that this Case appears to have been one affecting Civil Rights and not such as to entail penal consequences..

4 The Court of Taydaree Adalut direct that in the event of the fine having been paid the Sessions Judge will call for the proceedings and review them..

A° 110.- 5 The Court of Taydaree Adalut direct that the Sessions Judge will also call for the proceedings in this Case and review them in the event of the fine having been paid, there being no appearance of any default having been incurred in the Case..

A° 122
" 125
" 132

6 The Court of Taydaree Adalut are of opinion that the amount of Lashes inflicted in these Cases is excessive..

Ordered that Extracts from these Proceedings be forwarded to the Sessions Judge of Mangalore for his information and guidance and for Communication to the Magistrate by a precept returnable in X days from such as directs

/ Sent following Precepts A° /

Read Return dated 20th December 1852 from the Sessions Judge of Calicut to the Precept of the Taydaree Adalut under date the 20th December 1852

containing



containing observations on Calendars of Cases for 39 of 1852 on the file of the Sessions Court and stating that the periods of imprisonment awarded may be reduced in the Case of 1st and 3d Prisoners to 7 and 4th Prisoner to 3 years..

/ Serv enter F B A° 21 of 1853 /

Read Letter dated the 27th December 1852 from the Sessions Judge of Coimbatore reporting execution at half past 6 o'Clock on the Morning of the 27th Instant of the Sentence of death passed on Pulla Cooppen Prisoner in Case A° 31 of 1852 on the Calendar of the Sessions Court..

/ Serv enter F B A° 23 of 1853 /

Read Return dated the 27th December 1852 from the Sessions Judge of Canara to the Precept of the Taydaree Adalut under date the 20th December 1852 directing that period of imprisonment awarded to 1st 2d and 3d Prisoners in Case A° 12 on the Calendar for 1852 be reduced to 2 years..

/ Serv enter F B A° 24 of 1853 /

Read Return dated the 31st December 1852 from the Sessions Judge of Madura to the precept of the Taydaree Adalut under date the 18th December 1852 directing the immediate release of the 3d Prisoner in Calendar Case A° 21 of 1852 on the file of the Sessions Court..

/ Serv enter F B A° 25 of 1853 /

Read

6th January 1853.-

Read Calendar of Cases Nos 50 of 1852 submitted by the Sessions Judge of Mayuliputtanam under date the 24th December 1852.-

(Here enter F.R. No 26 of 1853.)

Read Calendar of Cases No 84 of 1852 submitted by the Sessions Judge of Mayuliputtanam under date the 24th December 1852.-

(Here enter F.R. No 29 of 1853)

Read Calendar of Cases No 49 of 1850 submitted by the Sessions Judge of Calicut under date the 30th December 1852.-

(Here enter F.R. No 32 of 1853)

Read Letter No 63 dated 3rd Instant from the Acting Sessions Judge of Coimbatore reporting that no Cases have been pending trial for a period exceeding 25 days calculated from the date of commitment during the Month of December 1852.-

(Here enter F.R. No 33 of 1853)

Ld B.Ct.

+

Friday, 7th January 1853.-

F.R.

At a Court of the Foujdaree Adalut

Present.

Sir H. C. S. Hooper Esquire - - }
Hon'ble W. A. Morehead Esquire } Puisne Judges.
M. J. L. Strange Esquire - }

Read Calendars of petty cases disposed of by the Magistracy of Coimbatore during the 2d Quarter of 1852.-

(Here Enter F.R. No 2811 of 1852)

Calendar of Persons punished by the Joint Magistrate. Nos 6 - 12.

The Prisoners were charged with having deserted their Masters Service and have been sentenced by the Joint Magistrate of Dotacamund to different penalties under Section VII Regulation X of 1816.

2. The Court of Foujdaree Adalut in their proceedings dated 20th Instant have ruled in a similar case that except advance of money has been made, the Sentence awarded is illegal; and they observed that all charges of this nature must set forth that such advance has been made. If no fraud exists the fines must be returned.

Cases Nos 14 & 19.

3. The Prisoners were charged in No 14 with neglecting to work and thereby causing inconvenience to his master.

master, and in No 19 with refusing to work.
desertion of service, and further with absc
and were sentenced by the Joint Magistrat
of Cotacamund to different penalties under
Section VII Regulation X of 1816-

4.

The Court of Sudder Adawlut
remark that with the exception of the
concluding portion of the charge against
the prisoner in case No 19, no reason for
punishment exists in either of these cases;
the offence charged not being punishable
under the Regulations. If no fraud has
been committed, the penalty must be
returned in the former case.

Calendar of persons com-
-mitted by the Magistracy
under clause I Section III
Regulation II of 1822 and
Clause I Section V Regu-
-lation VII of 1827
Nos 37, 39 and 43-

5.

The Court of Sudder
-dawlut concur in the
remarks recorded by the
Session Judge with reference
to these cases, and observe that
the requisition of security made
by the Joint Magistrate could only be
inflicted under the provisions of Clause
I Section V Regulation VI of 1827; and
Section LIV Act VII of 1843 ought not
to have been quoted.-

6.

The Court of Sudder Adawlut
cannot



cannot but express their surprize at the
Joint Magistrate acting under the extended
powers given him by Act VII of 1843 in
case No 37 and failing to furnish the report
required under form A.-

Ordered that Extract from
these Proceedings be sent to the Session
Judge of Coimbatore for communication
to the Joint Magistrate.-

Sent in a No

Read Criminal Reports sub-
-mitted by the Acting Session Judge of
Cuddalore for the month of November 1852-

(Here Enter S R No 2930 of 1852)

Case No 131.

Adverting to the remarks record-
-ed by the Principal Sudder ameen regarding
the prisoner in this case to the effect
that "slight suspicion attaches to him
for which his confinement in Jail till
now appears to be more than adequate
punishment" the Court of Sudder
Adawlut deem it proper to observe that
the award of punishment in cases in
which the evidence against the accused
amounts to no more than suspicion
is opposed to the rules laid down for
the administration of Criminal justice.-

Ordered that Extract from
these

7th January 1853.

these proceedings be sent to the Acting Sessions Judge of Cuddalore for his information.

(Sent in No 4.

Read Criminal Reports of the Sessions Court of Trichinopoly for November 1852.

Case No 101. 1. (Here Enter F R No 2952 of 1852)

Adverting to the serious nature of the crime with which the prisoner in this case was charged and of which it is stated that he labours under strong suspicion, the amount of security demanded appears to be extremely inadequate.-

Case No 104. 2. The Court of Sessions Judge will review the proceedings in this case, the sentence passed in which appears to be unnecessarily severe, the prisoner having been acquitted on the charge which led to his being placed in the custody of the peons from whom he effected his escape.-

Ordered that Extract from these proceedings be sent to the Sessions Judge of Trichinopoly by precept returnable within X days from and after its receipt.-

(Sent following Precept No

Read Calendar of persons punished by the Magistrate and his Assistants in the Zillah of Coimbatore from

F.R.

7th January 1853 from July to September 1852 inclusive, received from the Sessions Judge of Coimbatore.

(Here Enter F R No 2955 of 1852)

The Court of Foujdaree Adawlut are of opinion that the charge as stated in these cases does not involve a criminal offence provided against by law, and therefore direct that the fines be returned.

Nos 72 73 80.

The prisoner was charged with assault and wounding with a bill hook, and sentenced to 15 days imprisonment in default of paying a fine of Rupees 15.

No 98.

The Court of Foujdaree Adawlut consider that the punishment inflicted was too light, the case being seemingly one of severe wounding-

Ordered that Extract from these proceedings be sent to the Sessions Judge of Coimbatore for communication to the Magistrate.-

(Sent in No

Read Criminal Returns submitted by the Sessions Judge of Coimbatore for the month of November 1852.

(Here Enter F R No 2967 of 1852)

Magistrate's Report Cases Nos 66 and 67. 1. The Court of Foujdaree Adawlut have ruled that the act of a servant deserting from the service of his master is

is not punishable as a Criminal offence under the Regulations in force in this Presidency.

Principal Sudder ameen Criminal Report. case No 213

2. The Court of Foujdaree Udalut desire to be informed what sentence was passed upon the 2d prisoner in this case who is stated to have been convicted in this case reference being made for his sentence to the preceding number in which it appears that he was merely placed under a requisition of security.

Case No 228. 3. The Court of Foujdaree Udalut observe that the sentence of imprisonment adjudged to the prisoner in this case for the offence of "escaping from custody" should have been ordered to be carried out previous to the enforcement of the requisition of security under which he has been placed with reference to the original charge.

Ordered that Extract from these Proceedings be sent to the Sessions Judge of Coimbatore for his information.

(Sent in No.

Read Criminal Reports submitted by the Sessions Judge of Tinnevelly for the month of November 1852.

(Here Enter F.R. No 3012 of 1852)

Case No 94. The official designation of



of the prisoner in this case who was charged with culpable neglect of duty should have been entered in the report.

Ordered that Extract from these proceedings be sent to the Sessions Judge of Tinnevelly for his information.

Sent in No.

2d Wh W

Read Criminal Reports submitted by the Sessions Judge of Combaconum for the month of November 1852.

(Here Enter F.R. No 2917 of 1852)

Case No 39. The Court of Foujdaree Udalut observe that the manner in which the prisoner in this case effected his entrance into the prosecutors house upon the occasion of his committing the theft charged against him, should have been stated in the charge.

Case No 40. 2. The prisoners in this case was charged with having stolen from the house of the prosecutor certain articles of property valued at about Rupees 200 and has been placed by the Acting Head Assistant Magistrate under a requisition of security for his good behaviour and appearance when called for during the space of one year in two sureties severally bound in the sum of Rupees 10 00 in default

to

7th January 1853

to be imprisoned for that period; the authority quoted being Clause first Section IV Regulation II of 1822 and the Circular Order of the Tanjore Court No 173.-

3. Adverting to the alleged value of the property which the prisoner in this case was charged with having stolen the Court of Tanjore observe that the Acting Head Assistant Magistrate was not competent to make the requisition of security under which the said prisoner has been placed.-

4. The Court of Tanjore have ruled that the Magistracy are competent to hold persons to security under the provisions of Clause first Section IV Regulation II of 1822 only in those cases in which they would be competent to pass sentence on conviction, or in other words in those cases in which under the extended power vested in them by Act VIII of 1843 they possess a concurrent jurisdiction with the Criminal Court and are authorized to pass sentence under Section VII Regulation X of 1816.-

5. The period moreover for which security has been demanded viz- one year, is in excess of that which it was competent

4th

7th January 1853

to the Acting Head Assistant Magistrate to demand, the Court of Tanjore having likewise ruled that it is not competent to the Magistracy to make requisitions of security for a longer period than that to which their sentences of Imprisonment may extend.-

6. The Court of Tanjore accordingly resolve to direct that the requisition of security made in this case be annulled.-

7. The case should have been disposed of by the Acting Head Assistant Magistrate under the provisions of Clause 2d Section XXIV Regulation IX of 1816.-

Ordered that an extract from these Proceedings be sent to the Sessions Judge of Combaconum for communication to the Magistrate of Tanjore by precept returnable within X days from and after its receipt.-

Sent following Precept No

4 Sheets

Saturday
8th January 1853 } At a Court of the Tonjdaree Adalut

Present

G. S. Hooper Esqr.
W. A. Morehead Esqr. } Puisne Judges
T. L. Strange Esqr.

Read letter dated 30th December 1852 from the Acting Sessions Judge of Mangalore, submitting for the final judgment of the Tonjdaree Adalut the record of Case No 37 of 1852 of the Calendar of the Sessions Court.

(Here enter No 38 of 1853)

The Court of Tonjdaree Adalut,

Mr G. S. Hooper and Mr W. A. Morehead.

on a deliberate consideration of all the circumstances of the Case in evidence before them, beg of opinion that the proof against the prisoner

"Summa Malabaiga"

is sufficient to convict him of the crime of Murder to convict him thereof; and under the provisions of Section X Regulation VIII of 1802, Sentence him to suffer death by being hanged at the usual time and place of execution.

(Sentence No )

Read

Read Supplemental Report of persons apprehended in the zillah of Cuddapah and delivered to the Subordinate Judge, and regarding whom no final orders had been passed at the close of the report ending the 31st October 1852.

(Here enter T. C. No. 2931 of 1852)

No. 241.

1 The 1st to 4th Prisoners were charged with having at 7 o'clock pm the night of the 15th October 1852 killed one A. Goorovappah, aged 28 years in the 1st prisoner's house, and with having carried the corpse to a jungle and hanged it to a tree.

2 The Court of Fouzdaree Adalut observe that the mode in which the deceased was put to death should have been particularized

No. 247

3 The Prisoner was charged with having shot unknown on the 12th October 1852 Statute the prosecutor's two he buffaloes valued at Rupees 8, while grazing in a field: and has been sentenced by the Subordinate Judge to 18 Months imprisonment in irons and 30 lashes.

4 The Court of Fouzdaree Adalut consider the above sentence to be heavy, and resolve to direct the Session Judge to enquire the



the case.

Ordered that Extract from these Proceedings be sent to the Session Judge of Cuddapah for his information and guidance by Precept returnable in X days.

(Sent following Precept No.)

Read Calendar I of Persons punished by the Magistrate and his Assistant in the zillah of Salem from the 1st July to the 30th September 1852 both inclusive.

(Here enter T. C. No. 2939 of 1852)

No. 55

1 The Prisoner Tahsildar of Tauttacoil was charged with abuse of authority in having taken a petition, which the Prosecutor posted at his office, to the address of the Sub Collector of Salem, and destroyed the same, and returned the account of postage to the prosecutor, and was sentenced to pay a fine of Rupee 10, Commutable to 20 days imprisonment.

The Court of Fouzdaree Adalut

2 observe that the foregoing does not appear to be an abuse of authority such as is provided against by the Criminal law, and accordingly direct

direct the fine to be remitted.

3 The Court remark that the Magistrate is at liberty as the head of the Office to visit the Tahsildar's misconduct with such punishment as he may deem fitting

№56 4 The Prisoner was charged with "misdemeanor" in having illegally taken possession of the Mauriyumman's Pagoda and a burial ground attached to the village and added the same to his patent lands by fencing the same with hedges and cut down certain trees of the said pagoda."

5 The Court of Foujdaree Udalut observe that the case, as entered does not appear to involve a Criminal offence; and they accordingly resolve to direct the Sessions Judge to review it.

№63 6 The Prisoners were charged with misdemeanor in in having forcibly cut the Prosecutor's cot and injured his property, valued at Rupees 23-4.

7 The Court of Foujdaree Udalut remark that the statement of the case does not



not show that any Criminal offence has been committed: and accordingly resolve to direct the Sessions Judge to review it.

Ordered that Extract from these Proceedings be sent to the Sessions Judge of Salem for his information and guidance by Precept returnable in X days from and after its receipt.

(Sent following Precept №)

Read again Criminal report for the Month of April 1852 submitted to the Sessions Judge by the Subordinate Judges of Madura

(Here enter S. C. №1384 of 1852)

Read also report of persons apprehended in the Zillah of Madura and delivered to the Subordinate Judge in the Month of November 1852.

(Here enter S. C. №2933 of 1852)

№125 B 1 The Prisoner was charged with having at 10 P M of the 13th October 1852 stolen straw valued at Annas 8 from the Prosecutor's heap of straw, and beaten and wounded him on the head and hands with stick.

2 The Court of Foujdaree Udalut direct

direct that explanation be submitted as to the circumstances under which the personal violence charged was committed.

No 132 A

3 The Prisoners stood charged with snatching and melting ornaments obtained by the same - The 1st. prisoner in that he inveigled the Prosecutor's son to the house of the 5th. witness and then and there in company with 2nd and 3d prisoners Snatched from his person two silver bangles. The 2nd and 3d. prisoners were charged also with having fraudulently melted the said bangles and sold the silver lamps. -

4 The Court of Foujdaree Udalut are of opinion that under the description given of this case by the Subordinate and Sessions Judges it is one of robbery and not of snatching; and observe, that, under any circumstances it was not competent to the Subordinate Judge to pass sentence therein. The Court remark that the charge in No 47 of 1852 is not distinctly set forth.

Ordered that Extract from these Proceedings be sent to the Sessions Judge of Madura for his information by Precept returnable in x days from



from and after its receipt.

(Sent following Precept No )

Read Criminal Report B submitted by the Session Judge of Bellary for the Month of November 1852.

(Here enter F. Ct. No 2941 of 1852)

Report B
Case No 160

From the Statement of the Charge in this case, the offence committed by the Prisoners appears to the Court of Foujdaree Udalut to have been one of "Fraud" rather than Theft, the property in question having been obtained from the Prosecutor under false pretences. The heading Consequently should have been "Fraud"

Ordered that Extract from these Proceedings be forwarded to the Session Judge of Bellary for his information and guidance.

(Sent in No )

Read report of persons apprehended in the Zillah of Guntoor and delivered to the Assistant Magistrate, in the Months of October 1852, forwarded by the Session Judge of Guntoor -

(Here enter F. Ct. No 2958 of 1852.)

The

No 10

1

The first 9 Prisoners were charged with assaulting and wounding the Prosecutor, and the 10th Prisoner with being the instigator thereof. The Sessions Judge has reversed the Assistant Magistrate's sentence, and directed the unconditional release of those Prisoners whom the Assistant Magistrate had sentenced to various degrees of punishment.

2

The Court of Foujdaree Udalut quite agree with the Sessions Judge in his reprehension of the Assistant Magistrate: and trust that the observations he has addressed to him will have the effect of making him careful not to subject parties again to such very harassing journies and delays.

No 29

3

In this case the Prisoners were charged with cattle stealing. The Head Assistant Magistrate convicted the 1st Prisoner and the Sessions Judge has directed his release.

4

The Court of Foujdaree Udalut observe that the proceedings of the Head Assistant Magistrate have been conducted very badly and they expect that for the future he will display



display greater care in the discharge of his Magisterial duties.

Ordered that Extract from these Proceedings be sent to the Sessions Judge of Guntoor for his information and for communication to the Magistrate of Guntoor by Precept returnable within X days from and after its receipt.

(Sent following Precept No )

Read Supplemental report of persons apprehended in the zillah of Rajahmundry and delivered to the Sessions Judge in the Months of October 1852, and from the Subordinate Judge of Rajahmundry.

(Here enter F. Ab. No 2964 of 1852)

Nos
119
118
119
120
121
122
126
129
130
131
132
133
135
137

1

The Court of Foujdaree Udalut observe that to the Cases noted in the Margin there is a remark appended Viz not noticed by the Sessions Judge in his Proceedings dated 11th December 1852.

2

The Court of Foujdaree Udalut desire to know to what Proceedings allusion is made.

Nos
119
118
119
121
122
123

3

The Court of Foujdaree Udalut directs

№
126
128
129
130
131
133
135

direct that the number of the days of delay "be
infuture inserted.

№121 4 The Court of Foujdaree Udalut
direct that an explanation be furnished as to why
so light a sentence was passed: the crime being house
breaking and theft, and the prisoners servants
in the house

№123 5 The Court of Foujdaree Udalut
observe an omission in the 3d Column. The abstract
of the Charge should have set forth that the article
stolen were "the property of the prosecutor."

№125 6 The Court of Foujdaree Udalut
are at a loss to understand how the necklace
could have been stolen from the street: and direct
that greater attention be given in future to the
wording of the abstract of the crime or charge.

№128 7 The Court of Foujdaree Udalut
observe that the foregoing remark applies equally
to the abstract of the Charge in this Case. The
amount of money held in trust and of that
imbezzled has not been set forth.

№133. 8 The Court of Foujdaree Udalut
Consider that it was quite superfluous to add

to



to the abstract of the crime or Charge in this Case,
that the 1st Prisoner was accustomed to frequent
the Prosecutor's house.

The Prisoner was charged in this

№137 9
Case with house breaking with intent to steal
and was sentenced to 2 months imprisonment
and labor in irons.

The Court of Foujdaree Udalut
10
are of opinion that the foregoing Sentence
was too light for the offence Charged.

Ordered that Extract from these
Proceedings be sent to the Sessions Judge of
Rajahmundry for his information and guidance
and for communication to the Subordinate
Judge by Precept returnable in X days.

(Sent following Precept №)

Read Calendar of Case №146 of
1852 on the file of the Sessions Court of Cuddalore

(Here enter №10. №2969 of 1852)

The offence Charged in this Case
1
as stated in the Charge being clearly cognizable
by the Sessions Court the Court of Foujdaree
Udalut observe that the Acting Sessions Judge
was

was not justified in remanding the case for trial by the Principal Sudder Ameen on the ground that the evidence appeared to shew that the charge was exaggerated.

2 The only cases which it is competent to the Sessions Judges to remand for trial by the Sub Criminal Court are those in which it is clear from the indictment that the offence charged is within the jurisdiction of the Subordinate tribunal.

Ordered that Extract from these Proceedings be sent to the Acting Sessions Judge of Cuddalore for his information and future guidance.

(Sent in No. )

Read Criminal Report dated 24th December 1852 submitted by the Agent to the Governor in Ganjam for the Months of November 1852.

(Here enter R. Dc. No. 35 of 1853)

Read letter dated 1st Instant from the Sessions Judge of Calicut, stating that there is no case during the past Months to be

entered



entered in the Report required by the Foujdaree Udalut Circular letter of the 16th October 1844.

(Here enter R. Dc. No. 36 of 1853)

Read Report dated 3rd January 1853 from the Sessions Judge of Chittoor, of Cases pending on the 31st December 1852 before the Sessions Court for a period in excess of 25 days calculated from the date of Commitment.

(Here enter R. Dc. No. 37 of 1853)

Read Report dated 1st January 1853 from the Acting Sessions Judge of Nellore of Cases pending for the Months of December 1852.

(Here enter R. Dc. No. 39 of 1853)

Read Report dated 4th January 1853 from the Sessions Judge of Cuddapah of Cases pending on the 30th November and Committed for trial during the Months of December 1852 which remained on the file of his Court for more than 25 days.

(Here enter R. Dc. No. 40 of 1853)

Read Report dated 3rd January 1853 from the Acting Sessions Judge of Salem of Cases pending

8th January 1853.

pending on the 31st December 1852 before the
Acting Sessions Judge for a period in excess
of 25 days calculated from the date of Commit

(Here enter F. 26. No. 1 of 1853)

Read Convict Labor of Report
dated 1st December 1852 from the Magistrate
of Salem, of the Jail, under his Charge for the
Month of November 1852.

(Here enter F. 26 No. 45 of 1853)

£2 18/.

×

F. 26.

Monday 10th January 1853 } At a Court of the Fouzdaree Udalut

Present

G. S. Mooyer Esqre
W. A. Morehead Esqre
J. L. Strange Esqre
} Puisne Judges.

Read Petty Calendars of persons
punished and discharged by the Magistracy
of Canara in the Zillah of Honore for the
3d Quarter of 1852, forwarded by the Sessions
Judge.

(Here enter F. 26. No. 3013 of 1852)

The Court of Fouzdaree Udalut
are of opinion that the substitution of the
general heading of "Misdemeanor" for that
of "Trespass" used in this Calendar, would
be preferable.

Ordered that Extract from
these Proceedings be sent to the Sessions Judge
of Honore for communication to the
Magistrate of Canara for his information

(Sentence No.)

Read Criminal Report B submitted by the Acting Sessions Judge of Chingleput for the Months of November 1852.

(Here enter Ft. 16. No. 2912 of 1852)

Case No. 111

The sentence passed by the Principal Sudder Ameen in this case not having been interfered with by the late Acting Sessions Judge the detailed report of the case in the Form A need not have been submitted.

Ordered that Extract from these Proceedings be forwarded to the Sessions Judge of Chingleput for his information.

(Sent in No )

Read Calendar of Case No 745 of 1852 of the Sessions Court of Nellore.

(Here enter Ft. 16. No. 2974 of 1852)

The Court of Foujdaree Udalut approves of the recommendation made by the Sessions Judge in this case that the imprisonment which the prisoner noted in the margin has been adjudged to suffer on his conviction of the crime of house breaking with theft be reduced

1st Yekolla Surada



reduced to 18 months' imprisonment with hard labor in irons, and they do authorize the Sessions Judge to issue his warrant accordingly.

Ordered that Extract from these Proceedings be forwarded to the Sessions Judge of Nellore for his information.

(Sent in No )

Read Miscellaneous Petition presented on the 16th December 1852 by Mr. G. S. Hooper

Samoosastry, Vakeel on behalf of Narroomboo alias Pydul of the Zillah of Nellore.

(Here enter No 167 of 1853.)

The Court of Foujdaree Udalut see no necessity for their interference in Petitioner's case. It rests with the Sessions Judge to make what arrangements he thinks best for the performance of the Ironsmiths work in the Jail under his charge, and it was quite competent for him to continue to employ petitioner in that capacity, or not as he might see fit. This petition is therefore rejected.

Ordered that Extract from these Proceedings be granted to the Petitioner's Vakeel on his application.

Read

10th January 1853.

Read Miscellaneous Petition presented on the 16th December 1852 by Mootoosamy Chetty of Zillah Combaconum.

(Here enter F. M. P. No 168 of 1852)

Mr W. A. Morehead, and Mr T. L. Strange

The Petitioner seeks the reversal of an order of the Subordinate Court of Combaconum dated 8th January 1852 in Criminal Case No 191 of 1851 placing Petitioner and his son under a requisition of Security for one year.

2

The Court of Foujdaree Udalut observe that the term for which Petitioner was required to find security has just expired; they therefore deem it unnecessary to pass any orders in the case.

Ordered that Extract from these Proceedings be granted to the Petitioner on his application.

Read Miscellaneous Petition forwarded on 16th December 1852 by the Acting Sessions Judge of Cuddalore on behalf of Parasorama Ling of that Zillah.

(Here enter F. M. P. No 169 of 1852)

Mr W. A. Morehead.

The Petitioner, father to Soundy Bly

20

10th January 1853

1st Prisoner in Sessions Case No 23 of 1851 on the file of the Sessions Court of Cuddalore prays his daughter may be released from imprisonment.

The Court of Foujdaree Udalut

2

See no grounds for calling in question the propriety of the Sentence passed by the Sessions Judge and therefore resolve to reject this petition.

Ordered that Extract from these Proceedings be granted to the Petitioner on his application.

Read again Calendar of Case No 43 of 1852 on the file of the Sessions Judge of Bellary.

(Here enter F. M. No 2731 of 1852)

Read also return under date the 10th December 1852, from the Sessions Judge of Bellary to the Precept of the Foujdaree Udalut dated the 4th December 1852, requiring explanation of the grounds upon which the foregoing Case was remanded to the Subordinate Criminal Court.

(Here enter F. M. No 2911 of 1852)

It

10th January 1853.

It appears to the Court of Foujdaree Udalut from a perusal of the abstract of the evidence in the foregoing Case, as recorded in the Calendar, that that evidence was such as to render the prisoner guilty of the Crime of receiving stolen property knowing it to have been stolen, if not of theft, and that the Sessions Judge therefore should have proceeded with the trial of the Case.

Ordered that Extract from these Proceedings be forwarded to the Sessions Judge of Bellary for his information and guidance.

Ent
E.T

(Sent in No )

Foujdaree Udalut Circular Order No 198.

1 The Court of Foujdaree Udalut resolve, at the suggestion of Government, to intimate to all judicial and Magisterial Officers within their jurisdiction, their Construction of Act. 1 of 1849, in respect of the jurisdiction by which all offences committed by British Subjects in the territories of foreign states, are cognizable.

The

10th January 1853

2 They observe, that Act I of 1849, provides that persons delivered into the Custody of a Magistrate, charged with an offence committed within a foreign state, may be bailed or committed for trial (Section II,) that the Committing Magistrate shall report every such case to Government (Section III) and that the Government may order the trial to be had before any of the established Courts of Judicature (Section IV) It confers no Special powers upon the Magistrate, who in no case can try and punish a person for an offence committed out of his jurisdiction. On the contrary the Magistrate is throughout the enactment referred to, as the Committing officer.

The Judges of the Foujdaree

3 Udalut are therefore of opinion that the legislature intended that the offences to which the Act relates, that is all offences great and small, committed by British subjects in the territories of a foreign state are cognizable only by the Criminal and Sessions Courts, and not by the Magistrate.

E. Thoth

J. C.

Tuesday 11th. January 1853

At a Court of the Foujdaree Adalut.

Present.

The Hon'ble G. S. Hooper Esquire
The Hon'ble H. A. Morshead Esquire
The Hon'ble T. L. Strange Esquire
} Puisne Judges

Read Calendar of Case No 80 of 1852 of the Session Court of Masulipatam.

(Referred to F. C. No 28 of 1853)

The Court of Foujdaree Adalut approve of the recommendation made by the Sessions Judge in this Case that the imprisonment which the Prisoners noted in the margin have been adjudged to suffer on their Conviction of House breaking with theft be reduced to (3) Three years' imprisonment with hard labor in irons and they do authorize the Sessions Judge to issue his warrant accordingly.

Ordered that Extract from these Proceedings be forwarded to the Sessions Judge of Masulipatam for his information.

Sent in No

(Calendar of Case No 55 of 1852 of the Sessions Court of Calicut.

(Referred to F. C. No 3005 of 1852)

Sic

The Court of Foujdaree Adalut ap-
=prove of the recommendation made by the Sessions
Mavarilotty Hamad Judge in this Case that the imprisonment, which
the Prisoner noted in the margin has been adjudged
to suffer on his Conviction of Gang Robbery and
of being in possession of Stolen property with a
guilty knowledge be reduced to (8) eight years
imprisonment with hard labor in irons, and
they do authorize the Sessions Judge to issue his
warrant accordingly.—

Ordered that Extract from these
Proceedings be forwarded to the Sessions Judge
of Calicut for his information.—

Sent in &c

Read Calendar of Cases No. 58 of 1852
of the Sessions Court of Calicut.—

Here enter F. G. No. 3001 of 1852

The Court of Foujdaree Adalut ap-
=prove of the recommendation made by the Sessions Judge
in this Case that the imprisonment, which the Prisoner
Ambathil Cahai noted in the Margin has been adjudged to suffer on
Cadanjery Comm: his Conviction of Gang Robbery attended with violence
=boopa. be reduced to (10) Ten years imprisonment with
hard labor in irons and they do authorize the Sessions
Judge to issue his warrant accordingly.—

Ordered that Extract from these
Proceedings



Proceedings be forwarded to the Sessions Judge of
Calicut for his information.—

Sent in &c

Read again Extract from the Pro-
=ceedings of Foujdaree Adalut dated 25th July 1850

Here Enter F. G. No. 1802 of 1850

Read also letter dated 23rd December
1852 from the Acting Sessions Judge of Nellore.

Here enter F. G. No. 2998 of 1852

In his Communication the Sessions
Judge requests the Court's instructions whether he is
to reject a Complaint preferred before him by an
individual against the Reverend Mr. Day of
Nellore, for refusing to deliver up his daughter
whom he had placed under that Gentleman's
Charge for instruction; in order the Child's resto-
=ration to its parent. The Sessions Judge at the
same time forwards a translation of the agreement
stated to have been mutually entered into by the
Reverend Mr. Jewett (a Co-adjutor of Mr. Day's)
and the said Petitioner.—

2. It does not appear to the Court of
Foujdaree Adalut that in the Case noticed in this
Court's Proceedings under date the 25th July 1850 any
question as to the age of the Child therein referred to
was raised; and therefore the Court presume that
the

She was above the age of 10 years.—

3. The Court consider that the agree=ment in the present instance is worthless. They are however of opinion that the Sessions Judge should not interfere in the matter, but leave the Case to be dealt with by the Magistrate.—

Ordered that Extract from these Pro=ceedings be forwarded to the Acting Sessions Judge of Nellore for his information and guidance.—

(Sent in Pc)

Read Calendar of Case No 44 of 1852 Submitted by the Sessions Judge of Rajahmundry under date the 3d January 1853.—

(Here enter F. No. No 49 of 1853)

Read Calendar of Case No 80 of 1852 Submitted by the Sessions Judge of Cuddapah under date the 6th January 1853.

(Here Enter F. No. No 53 of 1853)

Read Calendar of Case No 84 of 1852 Submitted by the Sessions Judge of Cuddapah under date the 6th January 1853.

(Here enter F. No. No 55 of 1853)

Read Report Submitted by the Sessions Judge under date the 3d January 1853 of a Case pend=ing on the 31st December and Committed for trial during the month of November 1852.

(Here enter F. No. No 57 of 1853)

Read



Read Calendar of Case No 33 of 1852 Submitted by the Sessions Judge of Tinnevelly under date the 3d January 1853.—

(Here enter F. No. No 58 of 1853)

Read Statement dated 5th January 1853 Submitted by the Sessions Judge of Madura of Batta paid to Prosecutors and Witnesses attending before the Sessions Court during the 2d half year of 1852.—

(Here enter F. No. No 59 of 1853)

Read Calendar of Case No 2 of 1853 Submitted by the Sessions Judge of Bellary under date the 5th January 1853.—

(Here enter F. No. No 60 of 1853)

Read Calendar of Case No 43 of 1852 Submitted by the Sessions Judge of Mangalore under date the 5th January 1853.—

(Here enter F. No. No 65 of 1853)

Read Calendar of Case No 1 of 1853 Submitted by the Sessions Judge of Bellary under date the 6th January 1853.—

(Here enter F. No. No 67 of 1853.)

Read Calendar of Case No 3 of 1853 Submitted by the Sessions Judge of Bellary under date the 6th January 1853.—

(Here enter F. No. No 68 of 1853)

11th January 1853.

Read return dated 3d January 1853 from the Session Judge of Calicut to the precept of the Fouzdaree Udalut under date the 20th December 1852 containing observation on Calendar of Petty cases disposed of by the Magistracy of Calicut during the 2d Quarter of 1852.-

(Here enter F.C. No 69 of 1853)

Read Statement dated 6th January 1853 submitted by the Session Judge of Guntoor of the trials referred by the Session Court of Guntoor during the 2d half of 1852.-

(Here enter F.C. No 70 of 1853)

Read Communication dated 3d January 1853 from the Session Judge of Honore reporting that no cases were pending before the Session Court for more than 25 days during the month of December last.

(Here enter F.C. No 71 of 1853)

Read Criminal Report B for the month of December 1852 submitted by the Moosliy Sudr Ameen in charge of the Session Court of Masulipatam under date the 31st December 1852.

(Here enter F.C. No 73 of 1853)

Rs 1810

Fouzdaree Udalut

Wednesday 12th January 1853.

At a Court of the Fouzdaree Udalut

Present

G. S. Hooper Esqr.
W. R. Morehead Esqr. } Puisne Judges
P. L. Strange Esqr.

Read Criminal Reports submitted by the Session Judge of Rajahmundry for the month of October 1852.

(Here Enter the No 2975 of 1852.)

Magistrate's Report A.

1 The 1st prisoner in this case was charged with having received money to the amount of Rs 140 under false pretences from the Prosecutor, and the Magistrate considering that strong suspicion attached to him, ordered him to find two sureties in the sum of Rupees 200 each for his good conduct for 12 months, or in default to be imprisoned for the same period.-

2 The requisition of security has been cancelled by the Session Judge as being unwarranted by the evidence.-

3 The Court of Fouzdaree Udalut observe that the requisition of security made by the Magistrate in this case was opposed to the ruling of the Court, which is, that in all cases of Land the jurisdiction is to be decided with reference to the rules laid down in regard to the amount in cases of theft.-

4 The period for which security was demanded was also in excess of that which it was competent to the Magistrate to adjudge, the Court of Fouzdaree Udalut having ruled that

12 January 1853

that repetition of security based upon conviction of a specific offence, cannot be made by the Magistrate for longer periods than it is competent to them to sentence to imprisonment on conviction of the offence charged—

Ordered that Extract from these proceedings be sent to the Sessions Judge of Ramnad for communication to the Magistrate.

(Sent in Ex.)

Ex. 18th

T. No.

Thursday
13th January 1853. } At a Court of the Foujdaree Udalut

Present

Mr. G. S. Hooper Esqr. —
Mr. W. A. Marchead Esqr. — } Puisne Judges.
Mr. T. L. Strange Esqr. —

Read letter dated 4th January 1853 from the Sessions Judge of Guntoor, submitting for the final Judgment of the Foujdaree Udalut the record of Case No. 20 of 1853 of the Calendar of the Sessions Court.

(Here enter T. No. 64 of 1853)

Mr. G. S. Hooper and Mr. T. L. Strange

The Court of Foujdaree Udalut, on a deliberate consideration of all the Circumstances of the Case in Evidence before them, being of opinion that the proof against the prisoner "Chelaka Gangay" is sufficient to convict him of the Crime of Murder, do Convict him thereof; and under the provisions of Section X Regulation VIII of 1802, Sentence him to suffer death by being hanged as the

13th January 1853.

of Execution.

The Court of Fouzdaree Udalut observe that the Sessions Judge in putting numerous questions to the prisoner on his arraignment as well as at the conclusions of the trial when the latter was called upon for his defence, acted irregularly and in contravention of the repeated orders of the Fouzdaree Udalut.

Ordered that Extract from these Proceedings be sent to the Sessions Judge of Guntoor for his information and future guidance.

(Sent in No )
No 186.

F. C.

Friday.
14th January 1853 } At a Court of the Fouzdaree Udalut.

Present.

The Hon'ble G. A. Hooper Esquire
" W. A. Morehead Esquire } Puisne Judges.
" J. L. Strange Esquire

Read Criminal Reports of the Sessions Court of Chicacole for the months of November 1852.

(Here enter F. C. No 2999 of 1852)

No 25 1. The Court of Fouzdaree Udalut observe that the Prisoner in this Case having been a servant dwelling in the house or door of a room attached to which he effected his having been charged with "House breaking" is incorrect.

No 18 2. The Court of Fouzdaree Udalut wish to be informed who then the Granary referred to in this Case and the Cover of which the Prisoner is alleged to have removed and stolen properly therefrom, was a building, or other description of receptacle for the Custody of grain.

No 19. 3. In the 3d Count of the Charge in this Case the Prisoner is incorrectly declared to be "proved to be an old offender". The Prisoner should have been charged "with being an old offender", and that he had been so proved was a result to be noted in the

13th January 1853.

of Execution.

The Court of Fouzdaree Udalut observe that the Sessions Judge in putting numerous questions to the prisoner on his arraignment as well as at the conclusion of the trial when the latter was called upon for his defence, acted irregularly and in contravention of the repeated orders of the Fouzdaree Udalut.

Ordered that Extract from these Proceedings be sent to the Sessions Judge of Guntoor for his information and future guidance.

(Sent in No )
to 1862.

Friday
14th January 1853 } At a Court of the Fouzdaree Udalut.

Present:

The Hon'ble G. A. Bowyer Esquire ——
The Hon'ble W. A. Morehead Esquire —— } Puisne Judges.
The J. L. Strange Esquire ——

Read Criminal Reports of the Sessions Court of Chicacole for the month of December 1852.

(Herewith Fo Re No 2999 of 1852)

No 25 1. The Court of Fouzdaree Udalut observe that the Prisoner in this Case having been a servant dwelling in the house or door of a room attached to which he gained his having been charged with "House breaking" is incorrect.

No 18 2. The Court of Fouzdaree Udalut desire to be informed who then the Granary referred to in this Case and the Cover of which the Prisoner is alleged to have removed and stolen property therefrom, was a building, or other description of receptacle for the Custody of grain.

No 19. 3. In the 3d Count of the Charge in this Case the Prisoner is incorrectly declared to be "proved to be an old offender". The Prisoner should have been charged "with being an old offender", and that he had been so proved was a recital to be noted in the

No 20.

the Sentence passed in disposing of the Case).

4. The Charge against the 2d and 3d Prisoner in this Case is defective, it should have set forth that they aided and abetted the 1st Prisoner in stealing the ammunition referred to, well knowing that the same was stolen property.

Ordered that Extract from these Proceedings be forwarded to the Sessions Judge of Chingleput for his information and guidance and for Communication to the Principal Sudder Ameen of Vizagapatam.

(Sent in No )

Read Calendar of Cases No 21 of 1852 on the file of the Sessions Court of Chingleput.

(Vide entries Fo. H. et No 4 of 1853)

1 The Prisoner in the foregoing Case was found guilty of "Perjury" and has been sentenced by the Acting Sessions Judge to 12 months imprisonment and labor with irons under Clause I, Section III, Regulation VII of 1811.

2 The Court of Foujdaree Adawlut observe that under the Regulation quoted, it was not competent to the Acting Sessions Judge to have sentenced to punishment for a period less than four years, it being open to him to recommend a mitigation thereof under Section X, Regulation II of 1828; and they accordingly resolve to instruct the Sessions

Judge

14th January 1853

Judge to pass an amended Sentence in the Case referred to.

Ordered that Extract from these Proceedings be forwarded to the Sessions Judge of Chingleput for his information and guidance by precept returnable in X days.

(Sent following precept No )

Read Criminal Report B and other Statements from the Subordinate Judge of Cuddalore for November 1852 received in a Letter from the Sessions Judge of Cuddalore dated 15th December 1852.

(Vide entries Fo. H. et No 2965 of 1852)

Read also letter under date the 23d December 1852 from the Sessions Judge of Cuddalore Submitting Copy of one from the Subordinate Judge with reference to the Sessions Judge's remarks in his Proceedings dated 15th December 1852 respecting the heading of the Charge in Case No 238 on the Report B abovementioned.

(Vide Entry Fo. H. et No 3014 of 1852)

1 The point referred to in this reference is whether the heading on a Charge of "forcibly rescuing a Cow attended with violence" should be so worded or whether the offence in question should be classed under the head of "Robbery by open violence".

The

14th January 1853

2. The Court of Foujdaree Udalut ob-
serve that Sections XI and XII Regulation V
of 1822 recognize the offence of forcibly cutting
Crops and provide for its disposal; they are there-
fore of opinion that the class of Crime now in ques-
tion differs in its nature from that of robbery, and that
such offences should not be classed under the
head of Robbery by open violence or dealt with
as such.—

Ordered that Extract from these Proceedings
be forwarded to the Sessions Judge of Cuttack for his
information and Communication to the Subo-
rdinate Judges.—

(Sent in &c.)

"Circular"
N° 29 of 58

In order to prevent as much as pos-
sible the unnecessary detention of parties and their
witnesses in Cases liable to be dealt with under
the extended powers given to the Magistracy by the
provisions of Section XIV act VII of 1843, the Court of
Foujdaree Udalut direct that as a general rule,
whenever the Magistrate or his Assistants may be
residing at the Zillah station, all such Cases
should be forwarded from the Sabahs for trial
before the Criminal Court.—

Ordered that Extract from these
Proceedings be sent to the several Sessions Judges
for



for Communication to the Magistrates for their
information and guidance.—

(Sent in &c.)

Read Calendar of Case N° 32 of
1852 on the file of the Sessions Court of Chungleput

(How entered S. R. N° 7 of 1853)

1 In this Case the Acting Session Judge
for reasons stated directed the unconditional release
of the Prisoners, observing that they are entitled to
the benefit arising from their improper Commitment,
as it would be illegal to punish them for the minor
offence of simple assault which is within the
Jurisdiction of the Criminal Court, when they
are Committed to the Session Court for the
Serious one of Gang robbery.—

2. The Court of Foujdaree Udalut ob-
serve that the Acting Session Judge was in
error here, and that it was Competent to him
to dispose of the Assault in question.—

3. The Court of Foujdaree Udalut, with
reference to the Concluding observations recorded in
this Case by the late Acting Session Judge, resolve
to call upon the Session Judge to furnish this Court
with a Copy of any notice which may be taken by
the Magistrate of the Subjects therein referred to.—

Ordered that Extract from these

Proceedings

Proceedings be sent to the Sessions Judge of Chingleput for his information by precept returnable in V days from and after its receipt.—

(Sent following precept &c)

Read Calendar of Case No 43 of 1852

Dated 17th December 1852 forwarded by the Acting Sessions Judge of Honore.—

(Here Enter F. No. No 2990 of 1852)

The 2d Prisoner was charged with having been an accessary to the murder committed by the 1st Prisoner in having been present and aiding therein by laying hold of the deceased.—

2. The Court of Fouzdaree Adalut have to point out that the acts charged against the 2d Prisoner as above recorded are such as would constitute him a principal and not an accessary—

Ordered that Extract from these Proceedings be forwarded to the Acting Sessions Judge of Honore for his information.—

(Sent in &c)

Read Calendars in Cases Nos 78 79 80 and 81 of 1852 on the file of the Sessions Court of Masulipatam.—

(Here Enter F. No. No 18 of 1853)

The Court of Fouzdaree Adalut observe that the Sentences in none of the above mentioned Cases suffice to shew the circumstances thereof or the nature of the evidence upon Consideration of which they have been passed and accordingly resolve to direct the Sessions Judge to pay greater attention to this subject in future.—

Ordered that Extract from these Proceedings be forwarded to the Sessions Judge of Masulipatam for his information and future guidance.—

(Sent in &c)

Read letter dated 27th December 1852 from the Sessions Judge of Coimbatore.—

(Here Enter F. No. No 3018 of 1852)

1. The Sessions Judge of Coimbatore reports in this letter the result of his inspection of the Jail and Prisoners at Palghaut.—

2. The Court of Fouzdaree Adalut Consider this report to be very satisfactory.

Ordered that Extract from these Proceedings be forwarded to the Sessions Judge of Coimbatore for his information and for Communication to the Acting Head Assistant or Magistrate of Malabar.—

(Sent in &c)

Read letter dated 28th December 18

from the Sessions Judge of Cuddapah.—

(Here Enter F. No. No 14 of 1853)

In

Sessions Judge

Submits for the Consideration of the Court of Fonjdaree Adalut certain depositions of the 3d Witness in Case No. 202 on the file of the Subordinate Court and who had been admitted an approver therein; and requests the Court's opinion whether there is sufficient under the Circumstances of the Case to warrant a charge of wilful perjury or whether the ends of Justice for the prevarications would be sufficiently met by a fine."

2 The Court of Fonjdaree Adalut Com. note but express their suspicion that the Sessions Judge should have submitted a matter of this nature for their consideration and opinion, it being one in which that officer should exercise his own Judgments.

Ordered that Extract from these Proceedings be forwarded to the Sessions Judge of Cuddapah for his information and guidance.—

(Sent in &c.)

Heard Calendars of Cases Nos. 76, 77 and 87 of 1852 on the file of the Sessions Court of Masulipatam.—

(Recommitted Fr. Rs. Nos. 27 and 30 of 1853)

No. 76. In this Case the 1st and 2d Prisoners were Charged with having entered the Prosecutor's House and stolen therefrom certain silver plate and

Displaced



replaced the same out side the Prosecutor's bath Room on the following night. The 1st and 3d Prisoners were further Charged with having been found in possession of some wearing apparel belonging to the Prosecutor, which was stolen from his house.

2. The Court of Fonjdaree Adalut remark that the Charge does not set forth how the entry was effected, nor does the 1st Count specify that the Clothes mentioned in the 2d were stolen.—

3. The Court of Fonjdaree Adalut also observe that the Sentence of the Sessions Judge does not sufficiently explain the merits of the Case. It does not appear why the plate if stolen was brought back, or what evidence there was that it was stolen. Neither is it shown what grounds there are for Convicting the 1st and 2d Prisoners of more than receipt of stolen property: nor what evidence there is that they knew it was stolen.—

4. The Court of Fonjdaree Adalut accordingly resolve to Call upon the Sessions Judge to submit a full explanation of this Case.—

No. 77. 5. The Court of Fonjdaree Adalut have also to remark on this Case that the Sentence recorded by the Sessions Judge is not sufficiently explanatory. It is not apparent on what evidence the 1st Prisoner is Convicted and the 2d Prisoner

Recording

according to the Circumstances stated, would be got
of being necessary to the Trial by Concealment of
the stolen property and not as Charged in the
indictment of "having been found in Possession of
the property, knowing it to have been stolen"

Sec 87. 6. In this Case the Sessions Judge
should have detailed the evidence which was
deemed satisfactory as to the guilt of the Prisoners

Ordered that Extract from these
Proceedings be forwarded to the Sessions Judge of Vizaga-
patam for his information and guidance by Post
returnable in X days from and after its receipt.—

(Sent the following Precept to Sec

Read letter under date the 22d Dec.
-ember 1852 from the Agent to the Governer in Vizaga-
patam, Submitting translation of the record of Case
No 15 of 1852 for the final Judgment of the Tonjdaur
Adalut.—

(Here enter F. H. No 1 of 1853)

1. The Court of Tonjdaur Adalut ob-
-serve that the Crime alleged in this Case of burning
down the greater part of a village and plundering
it, and the killing two inhabitants thereof, is stated
to have been Committed on some Sunday in February
1852, and the first intimation thereof that appears
upon the Record is a Communication from the

Zemindar



Zemindar of Punchepentah to the Head of Police
dated 12th Instg 1852.

2. The Court of Tonjdaur Adalut re-
-serve before finally disposing of the Case to call
upon the Agent to state when the matter was first
reported to the native Police and himself to furnish
translations of all records Connected with such
reports and which may shew what steps may have
been taken in Consequence to ascertain that such a
Crime was really Committed and who the perpetrators
thereof may have been.

3. The Court of Tonjdaur Adalut desire
also to be informed why the information furnished
by the Prosecutor and his first three witnesses was
not obtained prior to the 11th and 15th Instg; and
they deem it necessary that these prisoners should
be further examined and called upon to state
to whom they first Communicated their identification
of the Prisoners and especially of the 1st and 2d Prisoners
with whom they were previously acquainted and Confi-
-rmed, as also what moved

4. The Court remark that it is not
shewn upon what information the 3d and 4th Prisoners
were arrested. And that this particular must
be Supplied.—

5. The Court observe that two Prisoners

more

14th January 1853.

were brought before the Head of Police on the 26th but were not examined until the 15th July: And he direct that the circumstances may be also explained

6. The Court also call upon the Agent to explain why no inquest was held on the bodies of the two individuals said to have been murdered, and no examination held of one of them, Vengidaka Moo Koondah Naick, who is stated to have survived his wound two days; And further more, why no list has been taken of the property plundered, or particulars ascertained of what is represented to have been done away with.

Ordered that Extracts from these Proceedings be forwarded to the Agent of Vizagapatam for his information and by precept returnable within XX days from and after the date of receipt.

(Sent the following precepts &c.)

Saturday 15th January 1853.

At a Court of the Sessions Held at Cannanore

Present

W. A. Hospital Esqr.
W. S. Moorhead Esqr.
L. L. Strange Esqr.
} Puisne Judges

Read Calendar of Case No 42 of 1852 of the Sessions Court of Mangalore

(Vizagapatam Sessions No 17 of 1853)

1. The Prisoner in this case, a youth of about 12 years of age, has been accused of robbery with attempt to murder.

2. The Law officer committed the prisoner of the crime charged, but declared he not liable to punishment under the Mahomedan Law on account of his minority.

3. The acting Sessions Judge committed the Prisoner of the crime of theft but considered the charge of murder not proved against him, and in consideration of the youth of the prisoner, he recommends his unconditional release.

4. Under the circumstances of the case, as stated in the Calendar, the Court of Sessions Held here are pleased to accede to the recommendation of the acting Sessions Judge, and they accordingly order & direct that the prisoner

Ven Kiran

be unconditionally released

Ordered that Extract from these proceedings be sent to the Sessions Judge of Mangalore for his information.

and guidance

Present in Mr

Read the order dated the 31st December forwarding English Translation of the record of Case No 1248 of 1852 on the Calendar of the Sessions Court for the final Judgment of the Court of Sujidara Udalat

(Received 8th No 55 of 1853)

The Court of Sujidara Udalat on due deliberate consideration of all the circumstances of the Case in evidence before them being of opinion that the Prisoners,

1st Condalala Boorudoo

and

2nd Condalala Soggudoo

are not convicted on sufficient proof or on the evidence of credible testimony of any of their own confession of the crime charged, do acquit them thereof and direct that they be set at liberty.

1. On an attentive perusal of the record of this case the Court of Sujidara Udalat have been unable to concur in the Sessions Judge in considering the evidence sufficient for the conviction of the prisoners of the murder laid to their charge.

2. It would appear from the report exhibited by the Police that the murder which is said to have been committed must have taken place fully a month before it was brought to the notice of the authorities no local enquiry seems to have been made nor is any allusion to be found in the record to the discovery of any traces of a dead body or to the charred appearance of the corpse of the affrayment



when found in all which points testimony must have been forthcoming if the charge was a true one, but as none of them was any evidence taken either by the Magistrate or by the Sessions Judge, nor was the prosecutor questioned as to what eventually became of the dead body of his wife.

3. The evidence to the fact of a murder having been committed is confined to that of the Informer and P.s 24. & 25. witnesses and the alleged confessions of the prisoners all of which the Court of Sujidara Udalat see strong reason to distrust.

4. The story told by the Informer and P.s 24. witnesses is in itself extremely improbable and this evidence is marked by contradictions which appear to the Court to be altogether inconsistent with their having witnessed the facts to which they depose.

5. In regard to the prisoners confessions the Court of Sujidara Udalat observe that the Magistrate in the remarks recorded by him in committing the case to the Court says to the impropriety of the prisoners as a guarantee for the truth of their story but adds that "their dialect is peculiar and that they are apt to answer a question without fully understanding the meaning of it" and that the Magistrate found it necessary to have a man who was familiar with the language of the Hill people "to explain their words in intelligible "guise"

6. The record shows that the prisoners were merely questioned by the Magistrate a course at all times objectionable but especially so in this instance where so much difficulty must have been experienced in conveying to the prisoners the meaning of the questions put to them and

15th January 1853.

in understanding their reflies

Under these circumstances the Court of Sujidaru Udalut cannot accept the admissions made by the prisoners before the Magistrate as free and voluntary confessions and for the same reason they are unable to rely on the statements made by the prisoners before the Subordinate Court and have they consider the evidence for the prosecution to be unsatisfactory they have directed that the prisoners be unconditionally released.

Ordered that Extract of these proceedings be sent to the Sessions Judge of Rajahmundry for his information

Sent in N.

E. Elliott

No 16

Monday 17th January 1853 } At a Court of the Sujidaru Udalut

Present

The Hon. G. L. Cooper Esquire
Hon. W. A. Morehead Esquire
W. T. L. Strange Esquire
} Puisne Judges

Read Miscellaneous Petition presented on the 3d January 1853 by C. Salmon Esquire Barrister at Law Vakil on behalf of Gunga Boyke Ummal of the Zillah of Combaconum.

(Here Enter T. M. P. No 4 of 1853)

Mr W. A. Morehead } Petitioner complains that she has been unable to obtain copies of depositions and proceedings in the Case of her son Lutchmana Singa a prisoner in the Jail of Combaconum, for which she had applied with a view to making an appeal praying that these papers may be furnished her in accordance with Circular Order No 194.—

2 The Court of Sujidaru Uda. Aut deem that this Miscellaneous Petition be sent to the Sessions Judge of Combaconum for

for his explanation of the same. and that he be directed to grant the copies required by the Petitioner.-

Ordred, that Extract from these Proceedings be sent to the Sessions Judge of Combaconum by precept returnable within x days from and after its receipt.-

(Sent following Receipt. No

Ordered also, that Extract from these Proceedings be furnished to the Petitioner's Vakeel on his application

Read petty Calendars for the 3d Quarter of 1852 forwarded in a letter under date the 5th January 1853 from the Sessions Judge of Chittoor.-

(Here Enter F.M. No 52 of 1853)

Case No 10

The Court of Foujdaree Ada. must have to point out that in this case the fact of the Prisoners being of a suspicious character should have been specified in the indictment.-

Ordered, that Extract from these Proceedings be sent to the Sessions Judge of Chittoor for his information and for communication to the Magistrate.-

(Sent in No



Read Criminal Report B for the Months of October (Supplemental) and November 1852, received from the Agent to the Governor at Kurnool.- Ba

(Here Enter F.M. No 3000 of 1852) 2

In both these cases the 1
prisoners, saving that, have been charged
with aiding or being accessory to the
several alleged Crimes.-

No 57758. 1

2 The Court of Foujdaree Ada.
must have to observe, that the circumstances upon which the said Charges were based
should have been specified in the abstracts of the charge.-

Ordered, that Extract from these Proceedings be sent to the Agent to the Governor of Fort Saint George at Kurnool for his information and guidance

(Sent in No )

Read letter under date the 27th December 1852 from the Agent to the Governor of Fort St George at Kurnool

(Here Enter F.M. No 20 of 1853)

In the foregoing communi- 1
cation the Agent with reference to certain

2 Dated 15th Nov 1852

Minutes

17th January 1853

Minutes of Consultation circulated by the Medical Board to Medical officers in charge of Jails respecting the diet of Prisoners, and to the 6th Para of a *letter dated 5th April 1850 from this Court upon the same subject, submits his opinion that it is intended by the Minutes of Consultation adverted to, that meat is to be supplied under the particular circumstances specified independent of the rate of fixed diet allowance such as Rice condiments &c. and requests he may be informed whether the Judges of the Foujdaree Udalut approve of this construction.

2 The Court of Foujdaree Udalut consider that the orders of Government referred to leave it to the discretion of the Medical Officer to add meat to the diet of Prisoners when seemed necessary and that it will rest with that officer to say whether there is to be any consequent reduction on such occasions of other articles of diet.

Ordered, that Extract from these Proceedings be sent to the Agent to



17th January 1853.

to the Governor of Fort St George at Rumnad for his information.

(Sent in No. )

Read Miscellaneous Petition presented on the 20th December 1852 by Gholam Mustuza Yakeel on behalf of T. Prentergast Esquire Collector of Rajahmundry.

(How entered F. Mo. P. No. 170 of 1852)

Mr. G. S. Hooper * Petitioner requests a delay of fifteen days to enable him in his capacity of Agent to the Court of Wards to lodge an appeal in the matter of the Case A. 20 of 1851.

The Court of Foujdaree Udalut are of opinion that as the Prisoner in the case in question has been fully acquitted and released by a competent authority, that decision cannot now be set aside or disturbed and that therefore an appeal will not be of any advantage.

3 The Court of Foujdaree Udalut leave this for the consideration

of

of the Petitioner and allow the delay applied for.-

Ordered, that Extract from these Proceedings, be furnished to the Petitioner's Vakeel on his application.-

Read again Calendar of Case No. 37 of 1852, on the file of the Sessions Court of Nellore.-

/Here Enter F. M. No. 946 of 1852/

Read also Miscellaneous Petition presented on the 3d January 1853 by J. Ouchterlony Esquire Vakeel on behalf of C. Ramasawmy Chetty father-in-law of Chendooroo Narasimmaloo Chetty, 1st Prisoner in the above Case.-

/Here Enter F. M. P. No. 1 of 1853/

Mr. H. A. Morehead and T. L. Strange

Before passing final Orders on this Petition, the Court of Sessions Udalut, resolve to call upon the Acting Sessions Judge to submit an English Translation of the entire record of Case No. 37 of 1852, on the file of this Court, and they at the same time direct, that execution



of the sentence may be suspended, till the issue of final instructions by the Sessions Udalut.-

Ordered, that Extract from these Proceedings, be sent to the Acting Sessions Judge of Nellore for his information and guidance, by Precept, returnable within XV days from and after its receipt.-

/Sent following Precept No/

Ordered also, that Extract from these Proceedings, be given to the Petitioner's Vakeel, on his application.-

Read letter dated 23d December 1852, from the Agent to the Governor in Vizagapatam.-

/Here Enter F. M. No. 2 of 1853/

In his present communication the Agent, requests to be furnished with further instructions for his future guidance in the trial of Sd. offenders, with reference to this Courts observations in para 2 of their Proceedings under date the 16th December 1852, considering them to be at variance with those already recorded in their proceedings of the 29th August 1851.-

The

2. The Court of Foujdaree Udalut remark that the two cases referred to bear no analogy to each other, the former one, to which the proceedings of this Court of the 29th August 1851, related, was of simple theft, and the circumstance of the Prisoner being an old offender was of a nature requiring by Regulation an enhancement of punishment but in the present case, the crime of which the prisoner stood accused, Viz. robbery by open violence was of so much graver a description than that which he had previously committed, and one too, for which a high specific penalty has been provided, that no such enhancement of punishment could follow, because of the prior conviction. The Court would accordingly point out to the Agent that a due consideration of the very different circumstances of the two cases in question should have relieved him of all cause for perplexity.—

Ordered, that Extract from these Proceedings be sent to the Agent to the Governor of Fort St. George at Vizagapatam for his information.—

(Sent in No

Read communication dated 5th January 1853, from the Sessions Judge of Chittoor submitting the Petty Calendars for the



the 3d Quarter of 1852.—

(Were Enter'd F. Dy. No. 52 of 1853)

Read Calendar of Case No. 4 of 1853 submitted by the Sessions Judge of Bellary under date the 10th January 1853.—

(Were Enter'd F. Dy. No. 93 of 1853)

Read return dated 8th January 1853, submitted by the Sessions Judge of Coimbatore, to the precept of the Foujdaree Udalut, under date the 20th December 1852, directing that the fine imposed upon the prisoner in Case No. 52 of 1852, on the file of the Joint Magistrate of Pollachy, be refunded, should it appear that he had not received an advance of pay from his master, previous to the act of desertion laid to his charge

(Were Enter'd F. Dy. No. 77 of 1853)

Read return dated 3d January 1853, submitted by the Sessions Judge of Canara, to the precept of the Foujdaree Udalut, under date the 9th November 1852, recorded upon a review of the Petty Calendars of the Magistracy of Canara for 2d Quarter of 1852.—

(Were Enter'd F. Dy. No. 84 of 1853)

Read

17th January 1853.

Read Letter dated the 4th Janua-
ry 1853, from the Sudder Ameen of Pitchapore,
reporting that there are no state Prisoners in
Jail at Pitchapore.-

/Here Enter F. Ch. No. 84 of 1853/

Read Calendar in Case No. 1
of 1853, submitted by the Sessions Judge of
Guntoor under date the 10th January 1853.-

/Here Enter F. Ch. No. 89 of 1853/

Read Calendar of Case Ch. No. 46
of 1852, submitted by the Sessions Judge of
Vizore under date the 6th January 1853.-

/Here Enter F. Ch. No. 90 of 1853/

Read Calendar of Case Ch. No. 44
of 1852, submitted by the acting Sessions Judge of
Mangalore, under date the 10th January
1853.-

/Here Enter F. Ch. No. 94 of 1853/ s

24 Mott

5

F. Ch.

Tuesday 18th January 1853. At a Court of the Foujdaree Adalut

Present

Hon'ble G. S. Hooper Esqre —— Puisne Judge.
W. A. Morehead Esqre —— Puisne Judge
T. L. Strange Esqre —— Puisne Judge

Read Letter dated the 10th December
1852 from the Session Judge of Masulipatam,
submitting for the final judgment of the
Foujdaree Adalut the record of Case No. 13 of
1852 on the file of the Session Court.

Mr. W. A. Morehead
Mr. T. L. Strange.

The Court of Foujdaree Adalut
on a deliberate consideration of all the circumstances
of the case in evidence before them being of opinion
that the proof against the prisoners,

8th Valavapully Condapah
11th Mauraboyana Narsimlooalias
Narsa Naik
14th Madal Nekannah - and
15th Bhumireddy Jageereddy

is sufficient to convict them of the crime of Robbery
by open violence - do convict them thereof and under
the provisions of Clauses third and fifth Section IX
Regulation

Regulation XI of 1803 sentence the prisoners

8th Valasapully Condapah – and

11th Mauraboyana Nursimloo – alias

Nursa Naik

to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of (14) fourteen years – the prisoners,

14th Madah Ackamah

to be imprisoned and kept to labor suitable to her sex for and during the period of (2) two years – the prisoner,

15th Bheemreddy Jogeereddy

to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of (2) two years.

But considering that strong suspicion tho' not amounting to conviction attaches to the prisoners,

5th Tonjola Rammaroydoo

10th Gonala Obala Naik

13th Mommpully Venkabuttoodoo – and

16th Gollah Gummmsetty

they direct that the prisoners,

5th Tonjola Rammaroydoo

10th Gonala Obala Naik – and

13th Mommpully Venkabuttoodoo



be required under Clause 2 29th Section II Regulation XI of 1803 to find two sureties in (50) Fifty Rupees each surety for their good behaviour and appearance when required within 3 years or in default thereof, they be severally detained for three years in confinement the prisoners.

16th Gollah Gummsetty

having been sentenced in Case No 15 on the Masulipatam Calendar for 1852 no further sentence is required to be passed upon him in this case.

(Sentence No

Read letter dated the 10th December 1852 from the Sessions Judge of Masulipatam, submitting for the final judgment of the Foujdaree Adalut the record of Case No 15 of 1852 on the file of the Sessions Court

(Herewith F No 2962 of 1852)

The Court of Foujdaree Adalut and

Mr H. A. Marchead
Mr J. C. Strang

deliberate consideration of all the circumstances of the case in evidence before them being of opinion that the proof against the prisoners,

1st Marayboyenah Nursimloo –

alias Nursah Naikdoo – and

4th Valasapully Condapah

is sufficient to convict them of the crime of Robbery and

and having been already sentenced in Case N° 13 on the Masulipatam Calendar for 1852 no further sentence is required to be passed upon them in this case; and being of opinion that the proof against the prisoner

6th Gollah Cummama shetty

is sufficient to convict him of the crime of receiving stolen property knowing that such property had been obtained in the perpetration of Robbery by open violence do convict him thereof; and under the provisions of Clause second Section IV Regulation III of 1822 sentence him to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of [illegible] seven years.

And being of opinion that the prisoners

1st Bhaemreddy Joghireddy and

8th Maydah Samaah

are not convicted on presumptive proof or on the evidence of credible witnesses or on their own confession of the crimes charged, do acquit them thereof and direct that they be set at liberty.

Ed 18W.

(Sent in N° 5

F.C.

Wednesday 19th January 1853. } At a Court of the Foujdarry Adalut.

Present

Sgtk. G. S Hoofar Esquire
Well W. A Morehead Esquire } Puisne Judges.
Ad. J. L Strange Esquire

Read Calendar of Cases N°s 67, 68, 69, 70 and 71 of 1852 submitted by the Superior Judge of Masulipatam.

(Prisoner F.C. N° 2896 of 1853)

N°s 70 and 71.

Taking into consideration the small value of the property stolen in these Cases the Court of Foujdarry Adalut are of opinion that a Sentence of 2 years imprisonment with hard labor in irons will be adequate punishment for the offence of which the Prisoners

Boya polathur Thrucatrayadoo
Sayab Ernalaswamy

have been convicted, and that in consideration of the youth of the Prisoner

Ismala Thrucatrayadoo, alias
Jamalapoory

a Sentence of 3 Months imprisonment with hard labor will in his Case be sufficient for the

the ends of justice.-

2 If unable to concur with the Court in the propriety of the mitigated Sentence now proposed, the Sessions Judge will be pleased to submit an English Translation of the entire record of the Cases for their consideration.-

Ordered that Extracts from these Proceedings be forwarded to the Sessions Judge of Masulipatam for his information by Precept returnable within XV days from and after its receipt.-

/But following Precept &c/

Read Criminal Reports submitted by the Acting Sessions Judge of Bellary for the Month of November 1852.-

/Here enter F.R. No 2903 of 1852/

The Court of Foujdaree Adalut observe that the offence charged against the

Case No 88.- 1st Prisoner in this Case viz. that he appropriated to his own use certain Property entrusted to him by his Master should have been designated as Embezzlement.-

Ordered that Extract from these Proceedings be sent to the Sessions Judge of Bellary for his information.-

/Entries &c/



F.A.

Thursday, 20th January 1853. At a Court of the Foujdaree Adalut

Present.

Hon'ble G. A. Hooper Esquire
Hon'ble W. A. Morehead Esquire
Hon. for T. L. Strange Esquire
} Puisne Judges

Read again Miscellaneous Petition presented by Calyanmmay of the Zillah of Salem presented 13th October 1852.-

(Here Enter F.R. No 139 of 1852)

Read return dated 15th January from the Acting Sessions Judge of Salem to the Precept of the Foujdaree Adalut dated the 16th December 1852.-

(Here Enter F.A. No 125 of 1853)

W. Morehead.- The Court of Foujdaree Adalut see no reason to interfere with the orders passed by the Acting Sessions Judge of Salem - and therefore reject the Petition of Calyanmmay on behalf of Herself.

Ordered that Extract from these Proceedings be furnished to the Petitioner on her application.-

Read letter from the Acting Sessions Judge of Cuddalore dated 12th January 1853, reporting escape of Convict on the 10th January 1853 and forwarding Depositions on

on the subject.-

(Here Enter F & Ro 88 of 1853)

1. The Court of Sonjeared Coalut consider that the convicts should not be sent to out Reds in a place which from its nature affords facility for escape.

2. Escapes under such circum=stances having been frequent, the Court of Sonjeared Coalut order that this practice be discontinued, and the reds required be purchased.-

Ordered that Extract from these Proceedings be forwarded to the Acting Sessions Judge of Cuddalore for his informa=tion and guidance.-

(Sent in No )

Read again Criminal Report B submitted by the Acting Sessions Judge of Mangalore, for the month of October 1852.

(Here Enter F & Ro 2737 of 1852)

Read also return to this Court's precept under date the 3d January 1853, calling for the report A of case No 153 on the said Criminal Report.-

(Here Enter F & Ro 82 of 1853)

1. On perusal of the foregoing case, the Court of Sonjeared Coalut remark that the Acting Subordinate Judge would appear to have demanded security from the Prisoners as being a suspicious character. The Court of Sonjeared Coalut would point out that the Magistrate was the proper person to have exercised this authority, and that the requisition of security by the Acting Subordinate Judge was incorrect.

2. The Court accordingly direct that the Sessions Judge will call for the record of the case, and papers with reference to the above remarks, such orders as may be required. reporting to the Court the orders so passed.

Ordered that Extract from these Proceedings be sent to the Sessions Judge and for communication to the Acting Subordinate Judge by precept returnable within XV days from and after its receipt.-

Sent following Precept No

Read Calendar of Petty cases disposed of by the Magistracy of Tinnevelly during the 3rd Quarter of 1852.-

(Here Enter F & Ro 2913 of 1852)

Calendar of Persons punished No 16-

The Court of Sonjeared Coalut with reference to this case, are of opinion that the charge should have been one of the 2d class the destruction of property not of itself constituting a Criminal offence.-

Ordered

Ordered that Extract of these pro-
=ceedings be forwarded to the Sessions Judge
of Cuddapah for his information.-
(Sent in No.

Read Calendar in case No 83 of 1852
on the file of the Sessions Court of Cuddapah.
(Here Enter Fh No 54 of 1853)

The Court of Sunjeare Doabut
observe that the Sessions Judge has not
stated the number of years of imprisonment
to which the prisoners in this case are
sentenced. and direct that the Calendar
be returned to the Sessions Judge for
Correction in this respect.-

Ordered that Extract from
these Proceedings be sent to the Session Judge
of Cuddapah by Precept returnable within
V days from and after its receipt.-
(Sent following Precept No.

Read return from the Acting
Session Judge of Nellore, to this Courts precept
under date the 3d January 1853.-
(Here Enter Fh No 74 of 1853.)

1. The Acting Session Judge in
Commenting upon this Courts ruling in
the case in Calendar No 41 of 1852, observes,
"that all offences of making holes into either
Cattoos or grain pits have hitherto come
under



under the denomination of Breaking, but
that hereafter they will be treated by
him as theft only."

2. The Court of Sunjeare Doabut
would point out to the Acting Session Judge
that the case now under consideration
relates to the stealing of grain in a back
yard defenced merely, as it would appear,
by a straw thatch, and which cannot be
said to form, either a building or granary.
The Acting Session Judge is in error to
attribute to this Court the opinion that
the breaking into a grain pit is not an
act of burglary.-

Ordered that Extract from
these Proceedings be sent to the Acting Session
Judge of Nellore for his information.-
(Sent in No.

Read Calendar of case No 39 of
1852 of the Session Court of Salem.-
(Here Enter Fh No 75 of 1853)

The Court of Sunjeare Doabut
approve of the recommendation made
by the Session Judge in this case that
the imprisonment, which the prisoner
noted in the margin has been adjudged
to suffer on his conviction of the crime
of Gang robbery with open violence be

Tandaroyan

reduced

reduced to five years' imprisonment with hard labor in irons, and they do authorize the Sessions Judge to issue his warrant accordingly.

Ordered that Extract from these Proceedings be forwarded to the Acting Sessions Judge of Salem for his information.

/ Sent in No.

Read return dated 14th Instant from the Sessions Judge of Trichinopoly, to the Precept of the Foujdaree Adalut under date the 31st December 1852, reversing the Sentence passed by the late Acting Sessions Judge on the Prisoners in Sessions case No 30 of 1851, and directing that they be unconditionally released.-

/ Here Enter Fl No 131 of 1853)

Read return dated 14th Instant from the Sessions Judge of Bellary to the precept of the Foujdaree Adalut under date the 4th January 1853, in regard to the Criminal Report A for the months of October 1852

/ Here Enter Fl No 133 of 1853)

Jd
Bd.

Friday,
21st January 1853

Fl.

At a Court of the Foujdaree Adalut

Present:

The Hon'ble G.S. Hooper Esquire
The Hon'ble W. A Morehead Esquire
H. T. E. Strange Esquire

} Puisne Judges.

Read letter under date the 17th January 1853 from the Sessions Judge of Combaconum forwarding English Translation of the record of case No 530 of 1852, on the Calendar of the Sessions Court, for the final Judgment of the Court of Foujdaree Adalut.-

(Here Enter Fl No 139 of 1853)

Mr W.A. Morehead

The Court of Foujdaree Adalut, on a deliberate consideration of all the circumstances of the case in evidence before them, being of opinion that the proof against the prisoner

2d Coolen

is sufficient to convict him of the crime of Gang Robbery, and that against the prisoner

4th Parady

is sufficient to convict him of having received stolen property knowing it had been acquired in the preparation of Gang Robbery, do convict them severally thereof and under the

the provisions of Clauses third and fifth Section IV Regulation XV of 1803, and Section XXXIV Act VII of 1843, Sentence the prisoner

2d Coollen

to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of (14) fourteen years and under the provisions of Clause second Section IV Regulation VII of 1822, sentenced the prisoners,

4th Paradasy Padiachee

to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of (12) years

But being of opinion that the prisoners,

1st Tadamalay

3d and Rungum

are not convicted on presumptive proof or on the evidence of credible witnesses or on their own confession of the crime charged, do acquit them thereof, and direct that they be set at liberty.-

(Sent following letter No.

Read calendar of case No IX of 1852 submitted by the Sessions Judge of Calicut under date the 13th January 1853-

(Here Enter F R No 109 of 1853)

Read



Read letter dated 11th Instant from the Sessions Judge of Calicut transmitting the Warrant issued for the execution of Sentence of death passed on the prisoner in case No 52 of 1852 on his Calendar with the Endorsement of the Subordinate Judge and copy of his report, according to C.C. Pongaree Adalut dated 3d May 1830.-

(Here Enter F R No 110 of 1853)

Read letter dated 10th Instant from the Sessions Judge of Chicacole, forwarding the copy of the Peraican Putteys in case No 16 of 1852.-

(Here Enter F R No 112 of 1853)

Read letter dated 10th Instant from the Sessions Judge of Chicacole, informing that the Statement required by the Pongaree Adalut Court's C.C. No 88 has not been forwarded, as no articles were manufactured by the Prisoners in his Jail during the 4th Quarter of 1852.-

(Here Enter F R No 113 of 1853)

Read Statement dated 1st Instant submitting by the acting Sub Judge of Combaconum, shewing the amount realized by the labor of Prisoners in the 4th Quarter 1852.-

(Here Enter F R No 118 of 1853)

Read

21st January 1853.

Read Statement dated 17th Instant submitted by the Session Judge of Guntoor of Batta paid to the Prosecutors and Witnesses who attended before him during the 2d Half of the year 1852.—

(Here Enter F & Rs 121 of 1853)

Read return dated 14th Instant from the Session Judge of Masoola, to the Precept of the Fouzdaree Adalut under date the 8th January 1853, requiring to be informed of the circumstances under which the personal violence charged against the prisoner in Criminal Case No 125 of 1852 disposed of by the Kindoo Judge was committed.—

(Here Enter F & Rs 122 of 1853)

Read Statement dated 1st Instant submitted by the Subordinate Judge of Salem, shewing the amount realized by the labor of the Prisoners in the 4th Quarter of 1852.—

(Here Enter F & C. No 127 of 1853.)

Read Letter dated 12th Instant from the Subordinate Judge of Salem reporting on the state of the Sick—

(Here Enter F & Rs 128 of 1853)

Sr 18th

F & C.

Saturday 22d January 1853. At a Court of the Fouzdaree Adalut

Present

Sr W. G. L. Hooper Esqre ——— Puisne Judge
W. A. Morehead Esqre ——— Puisne Judge
T. L. Strange Esqre ——— Puisne Judge

Read again report of persons punished by the Magistrate of Salem under the provisions of Section VII Regulation X of 1816 during the month of October 1852.

(Here enter F & C. No 2743 of 1852)

Read also letter under date the 17th December 1852 from the Acting Session Judge of Salem.

(Here enter F & C. No 2949 of 1852)

The Court of Fouzdaree Adalut observe that the deception which the Acting Session Judge considers to have been practised by the Prisoner in the case referred to in the foregoing letter was not of such a nature as to justify the infliction of a penal sentence, there having been apparently no intent to impose or defraud.

Ordered that Extract from these Proceedings

Proceedings be forwarded to the Acting Session Judge of Salem for his information and for communication to the Magistrate.

(Sent in No

Read letter dated the 31st December 1852 from the Acting Session Judge of Mangalore, submitting for the final judgment of the Foujdaree Udalut, the record of Case No 41 of 1852 on the Calendar of the Session Court

(Hereinafter F. Ud. No 123 of 1853)

Mr. G. L. Hooper
Mr. T. L. Strange

The Court of Foujdaree Udalut on a deliberate consideration of all the circumstances of the case in evidence before them being of opinion that the proof against the prisoner,

"Munsa Rama"

is sufficient to convict him of the crime of Murder, do convict him thereof, and under the provisions of Section x Regulation VIII of 1802, sentence him to suffer death by being hanged at the usual time and place of execution.

(Sent in No

Read Criminal Reports submitted by the Acting Session Judge of Nellore for the month of November 1852.

Hereinafter F. Ud. No 2945 of 1852)

Case No 141

The prisoners in this case were charged with having sold spirituous liquor without a license and have been placed under requisition of security on the ground that strong suspicion attached to them

2. The Court of Foujdaree Udalut are of opinion that in cases of this description unless there be evidence sufficient for conviction the accused is entitled to an unconditional release and that the requisition of security is not called for

3. The Court of Foujdaree Udalut accordingly direct that the requisition of security made in this case be cancelled

Case No 153

4 The Court of Foujdaree Udalut observe that the "malicious intent" which constitutes the gravamen of the crime of Cattle killing as provided for by Regulation XIII of 1832 should have been stated in the charge preferred against the prisoner in this case

Ordered that Extract from these Proceedings be sent to the Acting Session Judge of Nellore for communication to the Principal Sudr Ameen by Precept returnable within 15 days from and after its receipt

(Sent following Precept No

Ec 1853

F. Ub

Monday

24th January 1853. At a Court of the Foujdaree Udalut.

Present.

G. S. Hooper Esqre
W. A. Morehead Esqre
T. L. Strange Esqre
} Puisne Judges.

Read Miscellaneous Petitions presented on the 23d December 1852 by S. Veeramalachurry Vakeel on behalf of Viswa-
-praygaeertee Swamy of the Hillads of
Mangalore.

(Here enter F. M. P. No. 173 of 1852.)

Mr. T. L. Strange J. The Court of Foujdaree Udalut upon a full consideration of this matter as contained in the former Petitions presented by Viswaprayaeertee Swamy, passed their orders thereupon on the 23d September 1852.

2. As the present Petition contains only a renewal of Petitioners former pleas, the Court see no grounds to call for a revision of their orders on the subject, nor deem it necessary to hear Petitioners Vakeel orally, and therefore order this Petition to be dismissed.

Ordered

24th January 1853.

Ordered that Extract from these Proceedings be furnished to the Petitioner Vathree on his application.

Read Miscellaneous Petitions presented on the 6th January 1853 by Jonas Smitty Butthen of the Village of Condracoumen.

(Here enter F. M. P. No. 8 of 1853)

Mr. T. L. Strange

The Court of Fouzdaree Udalut refer the Petitioner to the orders of the Court contained in their Proceedings of the 31st December 1852 on Miscellaneous Petition 164 of that year.

Ordered that Extract from these Proceedings be furnished to the Petitioner on his application.

Read Calendar of Cases No. 51 of 1852 on the file of the Sessions Court of Trichinopoly.

(Here enter F. C. No. 2978 of 1852)

The Court of Fouzdaree Udalut are at a loss to understand upon what grounds the Sessions Judge considered the evidence insufficient for the full conviction of the 1st Prisoner in this case.

2.

The discrepancies in the statement

24th January 1853.

statement of the witnesses do not appear to the Court of Fouzdaree Udalut to be such as to invalidate their testimony, nor does it seem that the Sessions Judge has absolutely distrusted it.

3.

Against the 1st Prisoner, there is the additional evidence afforded by the fact that the Police were led to apprehend him by the traces of his footsteps; that part of the plundered property was found in his possession; that he made self criminatory confession before the Police with reference to the said property; and that his subsequent statements in regards to it have been contradictory.

4.

The Court considers that there was ample evidence to warrant the conviction of the 1st Prisoner.

Ordered that Extract from these Proceedings be forwarded to the Sessions Judge of Trichinopoly for his information.

(Sent in No. )

Read letter from the Acting Sessions Judge of Salem under date the 5th

Ordered that Extract from these Proceedings be furnished to the Petitioner Vathoo on his application.-

Read Miscellaneous Petition presented on the 6th January 1853 by Gunasegaram Pulliar of the Village of Kondavanam.

(Here enter F. M. P. No. 8 of 1853)

Mr. T. L. Strange

The Court of Fouzdaree Udalut refer the Petitioner to the orders of the Court contained in their Proceedings of the 31st December 1852 on Miscellaneous Petition 164 of that year.-

Ordered that Extract from these Proceedings be furnished to the Petitioner on his application.-

Read Calendar of Cause No. 51 of 1852 on the file of the Sessions Court of Trichinopoly.-

(Here enter F. C. No. 2978 of 1852)

1. The Court of Fouzdaree Udalut are at a loss to understand upon what grounds the Sessions Judge considered the evidence insufficient for the full conviction of the 1st Prisoner in this cause.-

2. The discrepancies in the statement



statement of the witnesses do not appear to the Court of Fouzdaree Udalut to be such as to invalidate their testimony, nor does it seem that the Sessions Judge has absolutely distrusted it.-

3. Against the 1st Prisoner, there is the additional evidence afforded by the fact that the Police were led to apprehend him by the traces of his footsteps; that part of the plundered property was found in his possession; that he made a self criminatory confession before the Police with reference to the said property; and that his subsequent statements in regard to it have been contradictory.-

4. The Court consider that there was ample evidence to warrant the conviction of the 1st Prisoner.-

Ordered that Extract from these Proceedings be forwarded to the Sessions Judge of Trichinopoly for his information.-

(Sent in No. )

Read letter from the Acting Sessions Judge of Salem under date the 5th

24th January 1853

5th January 1853.-

(Here enter F. Dc. No. 50 of 1853.)

1. With this letter the Acting Sessions Judge of Salem forwards two letters from the Magistrate of Salem both dated 23rd December 1852. In the first of these the Magistrate solicits the reconsideration of the opinion expressed in the Extract from the proceedings of the Court of Foujdaree Udalut under date 26th July 1852 to the effect that "the provisions of Act XXX of 1841 are applicable only to cases of obstructing justice in the presence of a Magistrate &c., and that they do not extend to the Native Officers of Police &c."-

2. The Magistrate of Salem grounds his request for a reconsideration of the proceedings above alluded to, upon the necessity that experience leads him to think, exists for the protection of the Public Proceedings of Heads of Police, and suggests, that, should the mere maximum of the fine, as specified in Act XXX of 1841, be considered to render the enactment inapplicable to the Heads of Police a limit of fines awardable should be laid down by Circular Orders for the guidance of

F. Dc.

24th January 1853

of those Officers.-

3. The Magistrate also submits that the terms of the enactment, directing that its powers may be exercised by "a Magistrate, Joint Magistrate or other Officers under a Magistrate empowered to try Criminal cases" include in their signification the operations of Heads of Police.-

4. In his second letter the Magistrate requests that the opinion of the Court of Foujdaree Udalut may be obtained as to the Law which should be quoted for sentencing petty cases of resistance to the Process of a Heads of Police.-

5. The Acting Sessions Judge in his letter under notice, does not concur with the Magistrate that sufficient reasons have been adduced for modifying the ruling of the Court of Foujdaree Udalut as suggested by that Officer in his 1st letter.-

6. As regards the subject of the Magistrate of Salem's 2nd letter, the Sessions Judge is of opinion that petty cases of resistance to the process of Heads of Police

are-

are punishable under Section XXXII Regulation IX of 1816.

7. The Court of Foujdaree Udalut concur with the opinion of the Sessions Judge and do not see sufficient reasons to alter their rulings contained in proceedings of the 13th October 1852 and 26th July 1852.

8. The Court also concur in the opinion of the Sessions Judge with reference to the Magistrate of Salem's 2nd letter.

Ordered that Extract from these Proceedings be forwarded to the Acting Sessions Judge of Salem for his information and for communication to the Magistrate

(Sent in No )

Read Miscellaneous Petition presented on the 11 December 1852 by Coopoo Sawmy Ayer of the Tillah of Tinnevelly.

(Here enter F. Mis. P. No 166 of 1852)

Petitioner appeals against the orders of the Sessions Judge of Tinnevelly under date the 4th September and 16 September 1851, refusing to take cognizance of an appeal



appeal made by the Petitioner to the Sessions Court against his dismissal from the situation of Chowkedar of Davadanem Tillah of Tinnevelly by the Joint Magistrate.

2 The Court of Foujdaree Udalut approve of the Orders of the Sessions Judge in the matter of the Petition and do not consider that it falls within their competency to pronounce upon case of the Petitioner.

Ordered that Extract from these Proceedings be furnished to Petitioner on his application.

Read letter under date the 14th January 1853 from the Sessions Judge of Calicut forwarding English Translation of the record of case No 51 of 1853 on the Calendar of the Session Court, for the final judgment of the Court of Foujdaree Udalut.

(Here enter F. C. No 152 of 1853)

The Court of Foujdaree Udalut on a deliberate consideration of the case in evidence before them being of opinion

24 January 1853.

opinion that the Prisoner,

1 Canashen poraiel Pary

is not convicted on presumptive proof, or on the evidence of credible witnesses, or on his own confession, of the crime charged, do acquit him thereof, and direct that he be set at liberty.

(Sent in No )

Read again Criminal Reports submitted by the Sessions Judge of Combaconum for the Month of November 1852.

(Here enter F. Cr. No. 2917/1852)

Read also return dated 11th January 1853 to the Precept of the Foujdaree Adalut under date the 7th January 1853 directing that the requisition of security in the case No. 40 of 1852 of the Magistracy be annulled.

(Here enter F. Cr. No. 87/1853)

1 The Court of Foujdaree Adalut are of opinion that as the object of Regulation 6 of 1822 was to give authority to the Criminal Judges to punish certain

F. Cr.

24th January 1854.

certain cases that had hitherto been committed to the Circuit Courts, in all cases of the nature specified in Clause fourth Section III, punishment must be awarded under that Clause - Section III Regulation 6 of 1827 merely declares that a Criminal Judge, acting under the extended powers is not obliged to pass a sentence necessarily in excess of 6 months - If however he pass a sentence of 4 months, he would still cite Section III Clause fourth Regulation 6 of 1822 as the Regulation under which he was empowered to deal with the case.

2 With reference to Para 3 of the Return under notice in which the Sessions Judge considers "that as the Criminal Courts have jurisdiction under Section VII, Regulation X of 1816, in all cases of theft not exceeding 300 Rupees the Magistrate must have it also under Section XIV Act VII of 1843." The Court of Foujdaree Adalut remark that Clause fifth, Section III, Regulation VI of 1822 states that Section VII, Regulation X of 1816 alone, is applicable to cases not included in the provisions

of

24th January 1863. of Clause fourth, Section III of Regulation VI of 1822.

The Sessions Judge is therefore instructed to carry out the Original Order of the Court of Foujdaree Adalut.

Ordered that Extract of these Proceedings be forwarded to the Sessions Judge of Combaconum for his information and guidance.

Sent in No 15

Tuesday 25th January 1853 } At a Court of the Foujdaree Adalut.

Present

The Hon'ble G. S. Brohier Esquire
The Hon'ble W. A. Morehead Esquire } Puisne Judges.
The Hon'ble J. L. Strange Esquire

Read again letter under date the 31st November 1852 from the Subordinate Judge of Calicut.

(Here enter F.C. No 2933 of 1852)

Read also letter under date the 13th January 1853 from the same officer.

(Here enter F.C. No 1110 of 1853)

1 In his present communication the Subordinate Judge enters into a more detailed explanation and requests this Court to reconsider their proposal to sanction the admission as approvers under the provisions of Section XII Regulation XIII of 1812 of certain persons who have been committed for trial on certain charges of Gang Robbery.

2 It does not appear to the Court of Foujdaree Adalut that any good result would follow by the admission of the said persons as

as approvers.- The evidence of the discovery of the stolen property is good against the parties who pointed it out; but this although supported by the testimony of the approvers could not affect the other prisoners; for the Statements of the former cannot in any way satisfactorily connect the latter with the property so discovered. all that remains therefore would be the assertions of the approvers on which no sentence can be founded.-

3 The Court of Sayadaree Adalut adhere therefore to their former decision and must decline complying with the Subordinate Judge's application.-

Ordered that Extract from these proceedings be sent to the Subordinate Judge of Calicut for his information.-

(Sent us &c.)

Read Report dated the 5th October 1852 submitted by the Sessions Judge of Cuddapah of Cases pending on the 31st August and committed for trial during the month of September 1852, which remains on the file of the Sessions Court for more than 28 days.-

(Errata Ltr. F.R. No. 2443 of 1852)

Read



Read letter, under date the 15th December 1852 from the Sessions Judge of Calicut transmitting the Criminal Reports B and other Statements received from the Subordinate Judge of Calicut and Principal Sudr Ameen of Cochin for November last.-

(Errata Ltr. F.R. No. 2965 of 1852)

Read Jail Report submitted by the Sessions Judge of Combaconum for the Month of November 1852 under date the 17th December 1852.-

(Errata Ltr. F.R. No. 2984 of 1852)

L. 1815.

F. Co

Wednesday —
26th January 1853. } At a Court of the Fouydatee Udalut.

Present

G. S. Hooper Esquire
W. A. Morehead Esquire } Puisne Judges
J. L. Strange Esquire

Read Extract from the Proceedings of the Session Court of Bellary, under date the 10th January 1853, forwarded by the Session Judge

/Vide Enter F. Co. No. 100 of 1853./

1. Together with the foregoing Extract the Session Judge forwards a translation of the Inquest paper in the case of the Prisoner mc No. 44 of 1852 on the Session's file, whom he reports to have committed suicide.

2. The Court of Fouydatee Udalut remark that the inquest paper does not shew who sat upon the inquest, and they direct that this information be supplied.

Ordered, that Extract from the Proceedings, be sent to the Session Judge of Bellary for his information and guidance, by precept returnable in 10 days from and after its receipt.

(Sent following precept &c)

4 Tho[illegible]

Thursday.

27th January 1853. At a Court of the Foujdaree Adalut.

F. R.

Present.

Hall — G. S. Cooper Esqr. —
Hall — W. A. Morehead Esqr. — } Puisne Judges.
Hall — T. L. Strange Esqr. —

Read Letter under date the 10th January 1853 from the Session Judge of Coimbatore (Here Enter F. R. No 97 of 1853)

Read also letter under date the 21st January 1853 from the Session Judge of Coimbatore forwarding one under date the 19th January 1853 from the Magistrate of Coimbatore (Here Enter F. R. No 208 of 1853)

1. In his first communication the Session Judge refers to a case committed for trial wherein the prisoner is charged with having induced the prosecutor to give him a sum of money with the view, as the evidence tends to shew, of perverting the ends of justice: and the Session Judge records his opinion that both the Prosecutor and the Prisoner should be put upon their trial for conspiring to effect that object. But the former having been sworn to the truth of his statement, the Session Judge observes "that a difficulty arises in taking this step" adding that "though the evidence

evidence is sufficient to proceed to trial without the admission of the Prosecutor as an approver, — that step might be taken should this Court — consider that under the circumstances objections exist to the Prosecutor being tried on the evidence as it stands."—

2. It does not appear to the Court of Foujdaree Adalut that the case referred to is one of that heinous description to justify the — admission of an approver, nor does the prosecutor's evidence seem essential to the conviction of the Prisoner.—

3. The Court of Foujdaree Adalut — concur in the course which the Session Judge proposes should be taken; at the same time they would point out to the Session Judge that the statements which have been taken from the Prosecutor cannot be used in evidence against him, and it will be the duty of the Session Judge to estimate the degree of Culpability that may attach to the Prosecutor and to pass sentence accordingly.—

4. The Court do not consider that the opinions expressed by the Magistrate of Coimbatore in his letter under date the 19th January 1853 affect the fact in any way; and therefore



therefore see no reason to deviate from the course above sanctioned.—

Ordered that Extract from these Proceedings be sent to the Session Judge of Coimbatore for his information.—

(Sent in &c.

Read Calendar in Case No. 85 of 1852.

Forwarded by the Session Judge of Cuddapah

Here Enter F. H. No. 92 of 1853.

1. The Prisoner convicted of Arson in having set fire to the Prisoner's cattle stall and destroyed it and a Buffalow &c. which were in it valued at Rupees 19—4—. and has been sentenced by the session Judge to 7 Years imprisonment with hard labor in irons under Clause seventh section II Regulation XV of 1803.

2. The Court of Foujdaree Adalut deeming that a sentence of two years imprisonment with hard labor in iron would be a sufficient — punishment in this case, resolve to call upon the Sessions Judge to pass a mitigated sentence accordingly.

3. If the session Judge is unable to concur in opinion with the Foujdaree Adalut, the Court direct that he will submit a translation of the record with the least practicable delay.

Ordered

Ordered that the Extract from these Proceedings be sent to the Session Judge of Cuddapah by precept returnable within V days from and after its receipt.

(Sent following precept No )

Read Criminal Reports submitted by the Principal Sudder Ameen in charge of Hillah Court of Tellicherry under date the 15th December 1852 for the month of November 1852.

Here Enter F. U. No 2950 of 1852.

Case No 80

1. The prisoner in this case was charged with having kicked the prosecutrise (who was at the time pregnant) on her navel and left thigh, and with having beaten her with a stick and on conviction was sentenced to pay a fine of Rupees 10 in default to be imprisoned for one month without labor or irons.

2. The punishment adjudged appears to the Court of Foujdaree Udalut exetremely inadequate considering the brutal nature of the offence charged and the dangerous consequences which might have ensued from it.—

Case No 90.

3. The prisoner in this case having been convicted of an escape from custody when detained by the Joint Magistrate under a requisition of Security, has been sentenced to six months imprisonment with hard labor in irons.

Under



4

Under the circumstances the sentence passed appears to the Court of Foujdaree Udalut to be unnecessarily severe and they resolve to direct that the Sessions Judge will review the proceedings and pass such orders thereon as he may think proper reporting the same for their information.

Ordered that the Extract from these proceedings be sent to the Session Judge of Tellicherry by precept returnable within X days from and after its receipts.

(Sent following precept No )

Kanty of Hillah of Salem, moves the Court to return the enclosures in Foujdaree Miscellaneous Petition No 179 of 1851.

Ordered accordingly.

Read again letter under date the 26th October 1852 from the Agent to the Governor of Fort Saint George at Vizagapatam submitting an English translation of case No 16 of 1852 for the final Judgment of the Foujdaree Udalut.

Here Enter No 2656 of 1852.

Read also return under date the 10th December 1852 from the Agent to the Governor of Fort Saint George at Vizagapatam to the precept of the

the Foujdaree Udalut dated the 10th November 1852 convey-
ing their marks in the foregoing case and calling for
explanation on certain points connected therewith

Here enter F. R. No. 2915 of 1852.

1. It appears from the foregoing return
that a considerable portion of the record of the case referred
to was inadvertently omitted to be translated and was not
therefore transmitted to the Foujdaree Udalut when the case
was laid before the Court for the final judgement.

2. The Court of Foujdaree Udalut are
constrained to remark that such an omission argues
great inattention on the part of the Agent to the prepa-
-ration of the records of the criminal cases referred by-
him, and adverting to the serious consequences which
might ensue they trust that every precautions will be
used to prevent the warrant of similar mistakes.

3. The Court direct that the Head of
Police by whom the case was committed be severely censured
for having notified a wrong date for the arrest of the
prisoners.—

Ordered that an Extract from these
Proceedings be sent to the Agent to the Governor of
Fort Saint George in Vizagapatam for his information
and guidance.

(Sent in No. )

Monday.
31st January 1853 } At a Court of the Foujdaree Udalut.

F. R.

Present.

G. S. Hooper Esquire
W. A. Morehead Esquire } Puisne Judges.
T. L. Strange Esquire

Read Calendar in Case No. 1 of
1853 on the file of the Sessions Court of Cuddalore

(Here enter F. R. No. 140 of 1853)

The Court of Foujdaree Udalut
have to point out to the Acting Sessions Judge that
his Judgments on trials before him should be
confined to a distinct Sketch of each Case
with his reasons for passing a Sentence of ac-
-quittal or punishment; and that an abstract
of the depositions of the witnesses is not required
to be embodied therein.—

Ordered that Extracts from
these proceedings be forwarded to the Acting
Sessions Judge of Cuddalore for his information
and future guidance.—

(Sent in No. )

Read Calendar of Case No. 164 of
1852 received from the Sessions Judge of Chittoor

(Here enter F. R. No. 162 of 1853)

The

1 The Prisoners were Charged in this Case with Adultery, and the 1st Prisoner has been Convicted upon her own Confession and other Corroborative evidence and Sentenced to Six months imprisonment with labor suitable to her sex within the Gail. The 2d Prisoner, though not Convicted of the Adultery, has been found guilty "of being in Company with the 1st Prisoner" an act declared to be Contrary to the Mohomedan Law, and he has been Sentenced to Six months imprisonment with hard labor, but without irons.

2. The Court of Poojdaree Adalut remark that the 2d Prisoner has been acquitted of the Adultery but found guilty of an act for which he was not arraigned and put on his defence. The Court do not view the fact which has been established against the 2d Prisoner as one that should subject him to a penal Sentence, and as he has been acquitted of the Adultery, they are of opinion that he is entitled to his release, and accordingly direct that he be immediately set at liberty.

3. With reference to the peculiar Circumstances of this Case, the Court of Poojdaree Adalut would suggest to the Sessions Judge whether a mitigated Sentence of one months



month's imprisonment might not be awarded to the 1st Prisoner, and they authorise him to pass such mitigated Sentence. If however the Sessions Judge is unable to Concur with the Court of Poojdaree Adalut in their view of the Case, they direct that the Original Record be forwarded for their perusal.—

Ordered that Extract from these Proceedings be sent to the Civil Judge of Chittoor by Precept returnable in X days from and after its receipt.—

(Sent the following Precept No.)

Read Criminal Reports of the Sessions Court of Chicacole for the month of December 1852

(Decr. Sessions No. 186 of 1853)

Case No. 27. The Charge in this Case should have set forth that the Prisoner purchased the articles knowing them to be stolen property.—

Case No. 27
" 28
" 30. In these Cases the number of the "days of delay" should have been specified.

Ordered that Extract from these Proceedings be forwarded to the Sessions Judge of Chicacole for his information and guidance.

(Sent in No.)

Read Criminal reports for the month of December 1852 forwarded by the Sessions Judge

&c

Judge of Bellary.

(Here enter F. No. No. 151 of 1853)

1. The Prisoner having been Charged in this Case with house breaking and Theft was Convicted of Concealing stolen property under suspicious Circumstances and has been sentenced to a certain degree of punishment.—

2. The Court of Foujdaree Adalut remark that a second Count should have been added to the indictment in this Case, Charging the Prisoner with being in possession of stolen property, knowing the same to be such.—

Case No. 160

3. The heading of the Charge in this Case is "Theft" whereas the Charge itself would shew the Case to have been of "Fraud"

Ordered that Extract from these Proceedings be forwarded to the Sessions Judge of Bellary and for Communication to the Subordinate Judge for his information and future guidance.—

(Sent in No.)

Read reports of Criminal Cases disposed of by the Magistracy of Salem during the Months of November 1852.

(Here enter F. No. No. 2976 of 1852)

Case No. 20.

The offence Charged in this Case should have been designated as an affray.—

Ordered



Ordered that Extract from these Proceedings be sent to the Acting Sessions Judge of Salem and for Communication to the Magistrate.

(Sent in No.)

Read Magistrates Calendar for the 3d Quarter of 1852 forwarded by the Acting Sessions Judge of Mangalore.

(Here enter F. No. No. 180 of 1853)

Case No. 113
" 168

1 The Charge in both these Cases should have specified the value of the stolen Cattle, and in the former Case, the Cattle that was stolen should have been described.—

Case No. 140

2. The Court of Foujdaree Adalut are of opinion that the Charge in this Case should have been headed "Misdemeanor" and not "forcible Abduction" of Cattle. The term "Abduction" not being in legal parlance applicable to the forcible carrying away of Cattle.—

Ordered that Extract from these Proceedings be sent to the Acting Sessions Judge of Mangalore for his information and for Communication to the Magistrate.—

(Sent in No.)

Read Criminal report for the month of December 1852 forwarded by the Sessions Judge of Coimbatore.

(Here enter F. No. No. 154 of 1853)

The

31st January 1853.

Case No. 73 1 The Court of Foujdaree Adalut Considering the Sentence past in this Case to be too severe, direct the Session Judge to review it, and report the result to this Court.—

Case No. 233 2 The Charge in this Case is headed "Theft" whereas the description of the Case clearly shews it to have been one of Embezzlement.

Case No. 236 " 239 3. The number of the "days of delay" as should have been entered.—

Case No. 241 4. The Prisoners are charged in this Case with "Assault and Snatching".—

5. The Court of Foujdaree Adalut remark that the Prisoners are described as having intercepted the Prosecutrix while walking along a road, and to have assaulted her previous to taking her property away from her. Under these Circumstances, the offence with which the Prisoners should have been charged was that of "Robbery by open violence".—

Ordered that Extract from these Proceedings be sent to the Session Judge of Coimbatore for his information — by Precept returnable in V days from and after its receipt.—

(Sent the following precept No.)

Read Criminal report B from the Subordinate Judge of Calicut for the Month of December 1852 forwarded by the Session Judge.

(Herewith Fr. No. No. 176 of 1853)

In

31st January 1853.

Case No. 245. 1 In this Case the Prisoner stands charged with having stolen certain timber and Bamboo belonging to the Prosecutor, and further with having unlawfully received a sum of money on the plea that he would trace out the theft.

2. The Court of Foujdaree Adalut remark that this latter offence should have formed the subject of a separate indictment, and observing that the Sessions Courts proceedings dated 15th December 1852 have not been forwarded, they direct the Sessions Judge to send them without delay.—

Ordered that Extract from these Proceedings be sent to the Session Judge of Calicut for his information and guidance by Precept returnable in V days from and after its receipt.

(Sent the following precept No.)

Read Criminal report for the month of December 1852 forwarded by the Acting Subordinate Judge through the Sessions Judge of Chittoor.—

(Herewith Fr. No. No. 138 of 1853)

Case No. 125. 1. In the 3d Count in this Case the Prisoner is stated to have been formerly Convicted and Sentenced to Certain punishment.—

2. The Court of Foujdaree Adalut have to point out that the Crime of which the Prisoner was before Convicted should have been specified.

In

31st January 1853

Case No. 128

3. In this Case the Prisoners, Jail Convicts, were charged with having escaped from the Jail Hospital and have been sentenced to a certain period of additional imprisonment and to receive 90 Lashes with a Cat o' nine tails."

Case No. 8

4 The Court of Foujdaree Adalut require to be informed why flogging was awarded in this Case, And direct that this portions of the Sentence if not carried out, be suspended till further Orders.—

Ordered that Extract from these Proceedings be sent to the Session Judge of Chittoor for his information and Communication to the Acting Subordinate Judge by precept returnable in V days from and after its receipt.—

(Sent following precept &c)

Read Criminal report B of the Sessions Court of Honore, for the month of December 1852

Read also Criminal report B of the Sudr Dewanee Court at Lucy for the month of December 1852, forwarded by the Sessions Judge of Honore.

(Here enter Fl. No. 169 of 1853)

Case No. 84
" 88
" 90
" 91
" 92
" 93
" 94
" 64
" 65
" 66

1 In the Cases noted in the Margin, referred to in the foregoing reports, the Court of Foujdaree Adalut notice that the number of "the days of delay" should have been specified.—

The

31st January 1853.

Case No. 88

2 The Charge in this Case has been entered as one of "Fraud" the nature of the Case shews that it should have been headed "Embezzlement"

Case No. 93

3. The Court of Foujdaree Adalut observing that the charge in this Case should have declared in what respect the Prisoner fraudulently received the property therein mentioned, direct the Sessions Judge to supply the information.—

Ordered that Extract from these Proceedings be sent to the Sessions Judge of Honore for his information by precept returnable within V days from and after its receipt.—

(Sent the following precept &c)

Read report B of persons apprehended and detained to the Magistracy of Canara in the month of December 1852, forwarded by the Acting Sessions Judge of Mangalore.

(Here enter Fl. No. No. 157 of 1853)

2 In the Case noted in the report, the Prisoners were charged with Assault in having ill treated and Assaulted the Prosecutor, and have been Sentenced to Seven degrees of punishment.

The Court of Foujdaree Adalut have to observe that the mode of ill-treatment and the Amount of injury inflicted by the Assault should have been specified.—

Without

31st [illegible]

3. 31st January 1853

Case No. 128 3. In this Case the Prisoners, Jail convicts were charged with having escaped from the Jail Hospital, and have been sentenced to a certain period of additional imprisonment and to receive 30 lashes with a Cat o' nine tails."

Case No. 8 4 The Court of Fouzdaree Adalut requires to be informed why flogging was awarded in this Case And directs that this portion of the sentence if not carried out, be suspended till further Orders.

Ordered that Extract from these Proceedings be sent to the Sessions Judge of Chittoor for his information and Communication to the Subordinate Judge by precept returnable in X days from and after its receipt.

(Sent following precept &c)

Read Criminal report B of the Court of Honore, for the month of December 1852.

Read also Criminal report B of the Zillah & Queens Court at Ley for the month of December 1852, forwarded by the Sessions Judge of Honore

(Here enter F. No. No. 169 of 1853)

In the Cases noted in the Margin referred to in the foregoing reports the Court of Fouzdaree Adalut notes that the number of the days of delay should have been specified.

Case No. 84
" 88
" 90
" 91
" 92
" 93
" 94
" 64
" 65
" 66

31st January 1853.

Case No. 88 2 The Charge in this Case has been entered as one of "Fraud" the nature of the Case as shews that it should have been headed "Embezzlement"

Case No. 93 3. The Court of Fouzdaree Adalut observing that the Charge in this Case should have declared in what respect the Prisoner fraudulently received the property therein mentioned, direct the Sessions Judge to supply the information.

Ordered that Extract from these Proceedings be sent to the Sessions Judge of Honore for his information by precept returnable within X days from and after its receipt.

(Sent the following precept &c)

Read report B of persons apprehended and delivered to the Magistracy of Canara in the month of December 1852, forwarded by the Acting Sessions Judge of Mangalore.

(Here enter F. No. No. 157 of 1853)

In the Case noted in this report the Prisoners were Charged with Assault in having ill treated and Assaulted the Prosecutor, and have been Sentenced to various degrees of punishment.

The Court of Fouzdaree Adalut have to observe that the mode of ill-treatment and the Amount of injury inflicted by the Assault should have been specified.

Without

3. Without these particulars the charge against the Prisoners is too indefinite to allow of the appropriateness of the Sentence proposed being Judged of and they therefore resolve to call upon the Magistrate to supply them.

Ordered that Extract from these Proceedings be sent to the Acting Sessions Judge for his information and Communication to the Magistrate by precept returnable in X days from and after its receipt.

(Sent the following precept No.)

Read Calendar of Commit. Case No. 16 of 1852 from the Sessions Judge of Chicacole.

(Here enter Sr. No. No. 101 of 1853)

Before passing a final order in this Case, the Court of Foujdaree Adalut direct the Sessions Judge to state his reasons for concurring in the Futwah, which the Sessions Judge should not have omitted to do in the first instance.

The Court of Foujdaree Adalut further remark that the Sessions Judge should have specified the nature of the Crimes of which the 1st and 2d Prisoners were formerly Convicted and of which they stand charged in the two last Counts of the indictment, and he is directed to furnish also this

information

31th January 1853.

information.

Ordered that Extract from these Proceedings be sent to the Sessions Judge of Chicacole for his information and guidance by precept returnable in X days from and after its receipt.

(Sent the following precept No.)

Read Calendar in Case No. 63 of 1852 forwarded by the Sessions Judge of Vizagapatam.

(Here enter No. 160 of 1853)

Of the four Prisoners Charged in this Case with House breaking and Theft, the 1st and 3d have been found guilty of "Aiding" in the Commission of the Crime and have been Sentenced respectively to 3 and 2 years imprisonment with hard labor in irons; and the 2d and 4th Prisoners have been Convicted and Sentenced each to 7 years imprisonment with hard labor in irons; but in the Case of the 2d Prisoner, the Sessions Judge proposes to mitigate the Sentence to 3 years and of the 4th Prisoner to 5 years imprisonment with hard labor in irons.

2. In the opinion of the Foujdaree Adalut the 1st and 3d Prisoners should be viewed as principals in the Theft, having aided therein by putting the Stolen goods on the heads of those who carried them off. And Consequently

that

that they are amenable to the same Futwa as that given in respect of the other prisoners.-

3. The Court of Foujdaree Udalut are of opinion that in Consideration of the youth of the parties and the small value of the goods stolen, the sentence past against the 1st and 4th Prisoners may be properly reduced to one year, and that of the 2d and 3d Prisoners to 6 months imprisonment with hard labor in irons.-

4- The Court therefore authorize the Session Judge to pass Sentence accordingly, but direct that in Case the Session Judge is unable to concur in their opinion as regards the 1st and 3d Prisoners, he will forward a translation of so much of the record of the Case as may relate to the said two Prisoners for their Consideration.-

Ordered that Extract from these proceedings be forwarded to the Session Judge of Salem by precept returnable within XX days from and after its receipt.-

(Sent the following precept No.)

Read Criminal report for the month of December 1852, received from the Acting Session Judge of Nellore.

(Here enter No. 158 of 1853)

The



No. 161. The Court of Foujdaree Udalut observe that the Prisoner stands charged in this Case with having at mid-day entered the Prosecutors Compound, with intent to Commit theft; and Considering that this act of the prisoner Can hardly provoke such an implication, they direct the Sessions Judge to review the Case, and report the result to this Court.-

Ordered that Extract from these Proceedings be sent to the Acting Session Judge of Nellore by precept returnable in X days from and after its receipt.-

(Sent the following precept No.)

Read Criminal reports of the Subordinate Court for the months of December 1852 received from the Session Judge of Combaconum

Read also Criminal reports of the Magistracy for the District of Tanjore, received from the same Officer.

(Here Enter S. Re No. 111 of 1853)

Case No. 193. The 1st Prisoner stands charged in the 3d Count with having on a previous occasion been bound to Security on a certain charge. The Court observe that this matter was not a subject for a count against him

that they are amenable to the same Futwa as that given in respect of the other prisoners.

3.

The Court of Sessions Udalut are of opinion that in consideration of the youth of the parties and the small value of the goods stolen the sentence past against the 1st and 4th Prisoners may be properly reduced to one year, and that of the 2d and 3d Prisoners to 6 months imprisonment and hard labor in irons.

4.

The Court therefore authorize the Sessions Judge to pass sentence accordingly: but direct that in case the Sessions Judge is unable to concur in their opinion as respects the 1st and 3d Prisoners he will forward a translation of so much of the record of the case as may relate to the said two Prisoners for their consideration.

Ordered that Extract from these proceedings be forwarded to the Sessions Judge of Tinnevelly by precept returnable within XX days from and after its receipt.

(Sent the following precept No.)

Read Criminal Reports for the month of December 1852 received from the Acting Sessions Judge of Nellore.

(Vide entry No. 153 of 1853)



No. 161.

The Court of Sessions Udalut observe that the Prisoner stands charged in this case with having at mid-day entered the Prosecutors' Compound with intent to Commit theft; and considering that this act of the prisoner can hardly provoke such an implication they direct the Sessions Judge to review the Case and report the result to this Court.

Ordered that Extract from these Proceedings be sent to the Acting Sessions Judge of Nellore by precept returnable in 5 days from and after its receipt.

(Sent the following precept No.)

Read Criminal reports of the Subordinate Court for the month of December 1852 received from the Sessions Judge of Combaconum

Read also Criminal reports of the Magistracy for the District of Tanjore for the same Officer.

(Vide Entry No. 11 of 1853)

Case No. 193.

The 1st Prisoner stands charged in the 3d Count with having on a previous occasion been bound to security on a certain charge. The Court observe that this matter was not a subject for a count against him

him; for in that instance the Prisoner must have been acquitted of the Charge though considered to lie under suspicion.

Case No. 194. 2. In this case the specific crime which the Prisoners are charged with having unlawfully assembled to commit, should have been stated. —

Do. No. 198. 3. The Sentence passed in this case appearing to the Court of Sunjdaree Adalut to be unnecessarily severe they direct the Session Judge to call for the record and review the Case, reporting the result to this Court. —

Case No. 41. 4. The Prisoner in this Case was Charged with Embezzlement. —

5. The Court of Sunjdaree Adalut have to point out for the Meeting Head & Assistant Magistrates future guidance that the amount which has been Embezzled as in cases of theft, should determine the authority by whom the Case is adjudicable.

6. Cases of this description which in point of fact involve the Crime of theft



are not, the Court of Sunjdaree Adalut Con=sider, punishable by fine. They resolve therefore to direct that the fine adjudged in this instance be remitted. —

Ordered that Extract from these proceedings be forwarded to the Session Judge of Combaconum for his information and guidance by precept returnable within X days from and after its receipt. —

Sent following precept &c

Ed Thos H

F.11.

Wednesday } At a Court of the Tonjidarce Udalut.
2. February 1853 }

Present

W.M. Q. A. Hooper Esquire
W.M. W. A. Morehead Esquire. } Puisne Judges
W.M. T. L. Strange Esquire

Read letter under date the 18th January 1853 from the Sessions Judge of Madura, forwarding English Translation of the record of Case No. 61 of 1852, on the Calendar of the Session Court, for the final Judgment of this Court of Tonjidarce Udalut.

/ Here Enter F.11. No. 171 of 1853 /

Mess. Q.S. Hooper & T.L. Strange

The Court of Tonjidarce Udalut on a deliberate consideration of all the circumstances of the Case in evidence before them, being of opinion that the Prisoner, 1st Sundara Moopen,

is not convicted on presumptive proof or on the evidence of credible witnesses, or on his own confession, of the crime charged, do acquit him thereof, and direct that he be set at liberty.

1. The 1st prisoner in this case was charged with having at about 12 at noon

noon on the 12th December 1852 in a
Poonjah field in the village of Palaiemputty
murdered the 1st Prosecutor's daughter Cuppoy
aged 8 years and the 2d Prosecutor's son
Soobben aged 7 years, by squeezing their
throats and treading upon their bodies, and
with having robbed them of jewels valued
at Rupees 2-4-0.

2. The 2d prisoner was charged
as an accessory after the fact, in having been
found in possession of Jewels valued at
Rs 1-4-0, knowing them to have been
acquired by Murder.

3. The Sessions Judge in concurrence with the Mahomedan Law Officer has acquitted the 2d prisoner, but convicting the 1st prisoner, has referred the trial with a recommendation, that he be sentenced to suffer death.

4. On an attentive perusal of the records, the Court of Foujdaree Adalut are unable to concur with the Sessions Judge in considering the evidence sufficient for the conviction of the 1st prisoner of the Murder laid to his charge.

The



5. The murder is represented to have been committed on the 12th December 1852, the witnesses from 1st to 4th depose, that they saw the 1st prisoner in company with the deceased on the day in question near the place where their bodies were subsequently found - The 5th witness states that she saw the prisoner committing violence upon both the deceased, and the 6th and 8th that they saw the prisoner throw the bodies of the deceased into the well where they were discovered.

6. The earliest record, bearing a date, of the above witnesses having any such information is the deposition of the 1st prosecutor given before the Police Ameen on the 18th December, or four days after the occurrences to which these witnesses depose, and they themselves allow that they raised no alarm at the time, and gave no information of what they had seen until the day succeeding that on which the events deposed to took place - This delay on the part of so many of the deponents to divulge what they had seen, leads the Court

altogether

altogether to distrust the evidence they have offered; the more especially when it appears from the evidence of the 4th witness, a person of mature age, that even when inspecting the corpses of the deceased, on which, according to his statement, marks of violence were discernible he omitted to mention that on the previous day he had seen the deceased close to the spot where their bodies were found in the company of the prisoner, a person, as it is alleged, of notoriously suspicious character.

7. It appears to the Court incredible that the prisoner should have perpetrated this double murder, if murder there has been, in a place where there were so many persons to watch him, and especially after two of them had severally addressed him and asked him where he was taking the deceased, and that he should select an open spot for the purpose as declared by the 5th witness, close to where he knew her to be, having just seen her there occupied in drying grain.

8. The discovery of the ornaments of the deceased on their persons is much against their having been murdered for the sake of them, and the difficulty arising out



out of this circumstance in accepting the charge against the prisoner, is not in the opinion of the Court to be removed by the supposition which the Sessions Judge has hazarded, to the effect that the prisoner having become aware of the fact that his crime had been witnessed by another person, purposely left the jewels on the bodies, in order that he might successfully deny the charge.

The Court of Foujdaree Adalut think it very possible that no murder was committed, and that the children may themselves have fallen into the well and come by their death accidentally, there being no credible evidence of any marks of injury having been observed on their corpses, and that brought to connect the prisoner with their and bearing every appearance of having been concealed.

10 The Court of Foujdaree Adalut have accordingly acquitted the prisoner and directed his release.

11. The Court of Foujdaree Adalut regret to observe that the Sessions

Sessions Judge has concluded his letter of reference with a very unbecoming remarks to the effect that the Court of Fouzdaree Adalut will err if they dissent from him in his appreciation of the evidence, in as much as they lack the advantages he has had in personally conducting the trial. The Legislature for very sufficient reasons has confined upon the Court of Fouzdaree Adalut the final jurisdiction in all cases of the nature of that under notice, and the present appears to the Court to afford a very prominent instance of the necessity of the check which the Legislature has seen fit to impose. Under any circumstances the observation of the Sessions Judge is most improper and unwarrantable, and the Court direct that he will abstain in future from indulging in any such remarks.

Ordered, that Extract from these Proceedings be forwarded to the Sessions Judge of Madura for his information.

/ Sent in No /

Read



Read Letter dated 4th December 1852 from the Sessions Judge of Madura submitting English Translation of Record in Calendar Case No 37 of 1852 for final sentence.

/ Here Enter F.H. No 2851 of 1852 /

Read Report dated 1st December 1852 submitted by the Sessions Judge of Bellary of a case pending on the 31st October 1852 before the Sessions Court for a longer period than 25 days.

/ Here Enter F.H. No 2860 of 1852 /

Read Calendar of Case No 73 of 1852 submitted by the Sessions Judge of Cuddapah under date the 4th December 1852.

/ Here Enter F.H. No 2863 of 1852 /

Read report dated 30th November 1852 submitted by the Sessions Judge of Rajahmundry of the labour of the Convicts in the Jail at Cocanada under the charge of the Magistrate of Rajahmundry for the month of October 1852.

/ Here Enter F.H. No 2869 of 1852 /

Read report dated 1st November 1852 submitted by the Sessions Judge of Salem of the labour of the Convicts

under

under charge of the Magistrate of Salem for the month of October 1852.

/Here Enter F.R. No 2870 of 1852/

Read Report dated 1st December 1852 submitted by the Sessions Judge of Ronore of Cases pending before the Sessions Judge for a period exceeding 25 days during the month of November 1852.

/Here Enter F.R. No 2872 of 1852/

Read Calendar of Case No 43 of 1852 submitted by the Sessions Judge of Bellary under date the 6th December 1852

/Here Enter F.R. No 2878 of 1852/

Read return dated 3d Decr 1852 from the Sessions Judge of Cheacole to the precept of the Foujdaree Adalut under date the 15th November 1852 directing the review of the proceedings in Case No 15 of the Vizagapatam Criminal Reports for the month of September 1852.

/Here Enter F.R. No 2879 of 1852/

Read Calendar of Case No 3 of 1852 submitted by the Sessions Judge of Calicut under date the 6th December 1852.

/Here Enter F.R. No 2880 of 1852/

F. R.

Thursday 3d February 1853 } At a Court of the Foujdaree Adalut

Present

G. S. Cooper Esqr.
W. A. Morehead Esqr. } Puisne Judges.
J. L. Strange Esqr.

---

Read Calendar in Case No 3 forwarded by the Sessions Judge of Madura

(Here enter F. R. No 170 of 1853)

On the Charge, as entered in this case, the Court of Foujdaree Adalut have to point out that the concluding portion of the 1st Count should have declared how the 3d Prisoner was accessory to the fact with which the 1st and 4th stood charged in the former part of it; and as regards the 3d Count the 1st remark that it was unnecessary to notice the fact of the 4th prisoner having been formerly held to security in a Criminal Case, and that the Sessions Judge must be in error in stating that the Prisoner was then convicted of the

charge

under charge of the Magistrate of Salem
for the month of October 1852.

/Here Enter F.R. No 2870 of 1852/

Read Report dated 1st December
1852 submitted by the Sessions Judge of
Coimbatore of Cases pending before the Sessions
Judge for a period exceeding 25 days
during the month of November 1852.

/Here Enter F.R. No 2872 of 1852/

Read Calendar of Case No 47
of 1852 submitted by the Sessions Judge
of Bellary under date the 6th December 1852.

/Here Enter F.R. No 2878 of 1852/

Read return dated 2nd December
1852 from the Sessions Judge of Chicacole
to the precept of the Foujdaree Adalut
under date the 15th November 1852 directing
the review of the proceedings in Case No 15
of the Vizagapatam Criminal Reports for
the month of September 1852.

/Here Enter F.R. No 2879 of 1852/

Read Calendar of Case No LVII
of 1852 submitted by the Sessions Judge of
Calicut under date the 6th December 1852.

/Here Enter F.R. No 2880 of 1852/

6th Rd.

F. R.

Thursday 3rd February 1853 } At a Court of the Foujdaree Adalut

Present

G. S. Hooper Esqr.
W. A. Morehead Esqr. } Puisne Judges.
T. L. Strange Esqr.

Read Calendar in Case No 43
forwarded by the Sessions Judge of Madura
(Here enter F. R. No 170 of 1853)

On the Charge, as entered in
this Case, the Court of Foujdaree Adalut
have to point out that the Concluding portion
of the 1st Count should have declared how
the 3d Prisoner was accessory to the fact with
which the 1st and 4th stood charged in the former
part of it; and as regards the 3d Count the
1st remark that it was unnecessary to notice
the fact of the 4th prisoner having been formerly
held to security in a Criminal Case, and that
the Sessions Judge must be in error in stating
that the Prisoner was then convicted of the

Charge

charge therein.

In his sentence in this Case the Sessions Judge should have stated the facts which had been proved against the 1st and 2nd prisoners

Ordered that Extract from these Proceedings be forwarded to the Sessions Judge of Madura for his information.

(Sentence No )

Read Calendar of Case No 1 of 1852 of the Sessions Court of Vellore.

(Here enter T. Mo. No 172 of 1853)

The Court of Foujdaree Udalut approve of the recommendation made by the Sessions Judge in this Case that the imprisonment which, the prisoners noted in the margin, have been adjudged to suffer on their Conviction of the Crime of House breaking with theft be reduced in the Case of the 1st Prisoner to 3 years, and in that of the 2nd to 3 Months imprisonment with hard labor in irons, and they do authorize the Sessions Judge to issue his warrant accordingly

1st Ludla Naidigadu
2d Yakutini Chinna Veradu

Ordered



Ordered that Extract from these Proceedings be forwarded to the Sessions Judge of Vellore for his information.

(Sentence No )

Read Calendar of Case No 43 of 1852 of the Sessions Court of Combaconum.

(Here enter T. Mo. No 2548 of 1852)

Read Miscellaneous Petition presented on the 11th January 1853 by Ramonien of the zillah of Combaconum.

(Here enter T. Mo. P. No 10 of 1853)

M. W. A. Morehead

The Petitioner is brother to Modayen, one of the Prisoners in the Calendar of Case No 43 of 1852 of the Sessions Court of Combaconum, who has been sentenced to 14 years imprisonment with hard labour in irons, as concerned in a gang robbery.

The Petitioner prays the Court of Foujdaree Udalut to call for the Proceedings in this Case and to release his brother who is not guilty of the crime with which he has been charged.

The Court of Foujdaree Udalut

are

are of opinion, that the Petitioner has shown no sufficient reason to induce the Court to question the justice of the sentence passed by the Sessions Judge in this case upon the petitioner's brother Mootoosamy Ingen.

The Court resolve therefore to reject this Petition.

Ordered that Extract from these Proceedings be furnished to the Petitioner on his application.

Read Miscellaneous Petition presented on the 24th January 1853 by Tootanda Mahomed Cauz of the Zillah of Chingleput.

W. W. A. Morhead

(Here enter S. M. P. No 16 of 1853)

Complaining of an order of the Magistrate directing his father to produce two securities or in default to be imprisoned for a year.

The Court of Fouzdaree Udalut in the absence of the order appealed against cannot pass any orders upon the subject of the Petition

Ordered that Extract from these Proceedings be furnished to the Petitioner on his application.

Read



Read letter under date the 19th January 1853 from the Sessions Judge of Honore forwarding English translation of the record of Case No 236 of 1852, on the Calendar of the Sessions Court, for the final Judgment of the Court of Fouzdaree Udalut.

(Here enter S. C. No 233 of 1853)

The Court of Fouzdaree Udalut on a deliberate consideration of all the Circumstances of the Case in evidence before them being of opinion that the Prisoners.

1st Defsay Ganaba
2d Defsay Rama Naick alias Ramapa
3d Shinguryaman Nagapa
4th Batty Busha
5th Esha
6th Batty Bushinga
7th Shinga
8th Defsay Ballia Naik
9th Soolgue Dammanna Gowda
10th Mookapy Ebra
11th Maurincutte Bheema
12th Goodoomkary Bheema
13th Sondea
14th Sopie
15th Mullapoor Vagnea and
16th Parunty (female)

are

are not convicted on presumptive proof or on the evidence of Credible witnesses, or on their own Confession, of the Crime Charged, do acquit them thereof, and direct that they be set at liberty.

1 The Court of Foujdaree Udalut on an attentive perusal of the record of this Case, Consider the evidence altogether insufficient for the Conviction of any of the prisoners of the Crime laid to their Charge.

2 It is shown that with the exception of the 4th and 6th none of the prisoners were previously known to the witnesses. The attack upon the Chowky was a Sudden and violent one - great alarm necessarily ensued and it is proved that the witnesses, the peons, made no resistance but at once fled under circumstances which in the opinion of the Court render their alleged identification of the prisoners altogether undeserving of credit. Their depositions moreover, are full of contradictions which naturally detract from their credibility.

3 The 4th and 6th Prisoners are stated by several of the witnesses to have been all known



known to them and the objection therefore which exists to the evidence adduced to prove the identification of the other prisoners, does not apply to the alleged recognition of the 4th and 6th prisoners.

There is another Circumstance however

4 which renders it unsafe to place any dependence upon the alleged recognition of the two Prisoners last named. It appears that the 1st witness in making his report of the robbery to the Police omitted all mention of their names or even to state the fact that some of the robbers were known. The report in question purports to have been written some time after the robbers had left the Chowky and after the arrival of the inhabitants of the village - the evidence shows that the villagers did not arrive for at least three hours after the departure of the robbers. The peons had returned. The events of the evening must naturally have been talked over and it is only reasonable to suppose that the names of the 4th and 6th Prisoners if they had been actually present and were recognized at the robbery, would have been mentioned and that the report would have

Continued

contained some statement to the effect that the perpetrators of the robbery were known.

5 It is alleged that the 4th Prisoner was denounced by the individual (Poorsajee) who afterwards died from the wounds received by him from one of the robbers as the person who had wounded him, but as this point there is an important contradiction in the evidence; the 1st witness stating that the deceased Poorsaje did not speak until the next morning while the 4th witness represents him to have informed him (the 4th witness) on the night of the robbery that his wounds had been inflicted by the 4th Prisoner.

6 It is shewn that the said Poorsaje retained possession of his senses up to the time of his death. and it is therefore most improbable that if he had really recognized his assailant he would have delayed for some hours mentioning his name.

7 It is to be regretted that the Acting Sessions Judge did not seek for explanation



explanation in regard to the omission of the important information above adverted to in regard to the 4th and 6th Prisoners from the first report of the robbery made to the Police.

The Court of Foujdaree Adalut

8 can attach no credit whatever to the alleged discovery of a portion of the plundered property in the possession of the 7th 10th and 17th Prisoners. There is no satisfactory evidence of the identity of the property found with these prisoners which from its nature was by no means easy of identification.

9 I have accordingly acquitted all the prisoners in this case and directed their unconditional release.

Ordered that Extract from these Proceedings be sent to the Sessions Judge of Vizagapatam for communication to the late Acting Sessions Judge. (Sent in No )

Read Miscellaneous Petition forwarded by the Sessions Judge of Rajahmundry on behalf of Sanahoo Nyrasimooloo of the Zillah of Rajahmundry 3d Prisoner of Calendar 33 of 1852 of the Sessions Court. (Here enter S.M.P. No 172 of 1852.)

The

3d February 1853.

Mr. G. S. Hooper 1

The Petitioner whose sentence has been mitigated from 4 years hard labor in irons to 1 year by order of the Court of Foujdaree Udalut, prays that the Court will consider this case and order him to be released.

2 The Court of Foujdaree Udalut see no reason to question the justice of the Petitioners Conviction and therefore resolve to reject his petition.

Ordered that Extract from these Proceedings be furnished to the Petitioner on his application.

Read again Calendar of Case No 28 of 1852 of the Sessions Court of Nellore.

(Here enter F. Mo. No 2214 of 1852)

Read Miscellaneous Petition presented on the 20th December 1852 by Kristna Chetty Zillah of Nellore

(Here enter F. Mo. P. No 158 of 1852)

Mr. W. R. Morehead 1

The Petitioner, is the father of Anandalooda, 2d Prisoner, in Case No 28 of 1852 of the Calendar of the Sessions Court of Nellore, who has been sentenced to 2 years imprisonment with hard labor in irons as accessary in a theft.

2 The Petitioner prays that the Court

3d February 1853.

Court will send for the Record of this Case and reverse the Sentence which he states not to be justified by the evidence taken as regards the 2d Prisoner.

3 In this Case the 1st Prisoner points out the place where the stolen money is Concealed and accuses the 2d Prisoner.

The evidence that upon being brought to the Spot thus pointed out the 2d Prisoner dug up the money Cannot in the opinion of the Court of Foujdaree Udalut be considered as sufficient to fix the guilt of the theft upon the 2d Prisoner.

4 The Court of Foujdaree Udalut resolve under these Circumstances to suspend the Sentence passed on the 2d Prisoner and to call for the Record of this Case.

Ordered that an Extract from these Proceedings be sent to the Acting Sessions Judge of Nellore for his information and guidance by Precept returnable within V days from and after its receipt.

(Sent following Precept No )

Ordered

3d February 1853

Ordered also that Extracts from these Proceedings be furnished to the Petitioner on his application.

Read Calendar of Case No 35 of 1852 of the Sessions Court of Combaconum.

(Here enter F. Dc. No 2207 of 1852)

Read Miscellaneous Petition presented on the 14th January 1853 by Lutchmee and Mootee of the Zillahs of Chittoor.

(Here enter F. Mc. P. No 7 of 1853)

Mr. W. R. Maitland,

The Petitioners are the female relatives of ten prisoners by name Oonoor cadoo Venkatta, Oonoor Khan, Chullapeeny, Rungum, Ramoodoo, Pennal Nahadoo Moonycadoo Silvoodoo, Mudoodoo sentenced by the Sessions Judge of Combaconum to 7 years imprisonment on a charge of robbery committed at Ayaktoor in the Tanjore District.

2 The Petitioners state that they and the prisoners were returning from Madura and that they had halted at Tellamuntapaw in the Talook of Trivady. When the gang robbery took place only one Prisoner on oddy, tank digger

3d February 1853.

was seized and upon being asked where his accomplices were, said, that they were at Tellamuntapaw.

That the Police proceeded

3 to the Petitioners male relations and that upon being confronted with the Prisoner before the Police Ameen, he said that in consequence of ill treatment that he had pointed out Tellamuntapaw as the place to which his accomplices had retreated but before the Police Ameen he stated that he did not know the ten persons seized by the people.

That no stolen property was

4 found to convict these ten prisoners and that no sufficient evidence has been brought to establish their concern in this gang robbery.

The Petitioners therefore pray

5 the Court of Foujdaree Udalut to order their relatives to be released.

Before passing a final order on

6 this Petition the Court of Foujdaree Udalut direct the Sessions Judge to forward a translation of the record of the case for their consideration.

Ordered that Extract from these Proceedings be forwarded to the Sessions Judge

of

3d February 1833.

of Combaconum for his information and guidance by a Precept returnable within XV days from and after its receipt.

(Sent following Precept No )

Ordered also that Extract from these Proceedings be furnished to the Petitioners on their application.

S

Thos W

F. 26.

Friday 4th February 1833 } At a Court of the Foujdaree Udalut

Present

Hyd G. S. Hooper Esqre
Well W. A. Morehead Esqre } Puisne Judges
Wt T. L. Strange Esqre

Read Calendar of Case No 6 of 1853 of the Session Court of Bellary.

(Mem. Enter F. 26. No 139 of 1833)

The Court of Foujdaree Udalut approve of the recommendation made by the Sessions Judge in this Case that the imprisonment, which the Prisoner noted in the margin has been adjudged to suffer on be Conviction of the Crime of Perjury, be reduced to one year's imprisonment with hard labor in irons, and they do authorize the Sessions Judge to issue his warrant accordingly.

Ordered that Extract from these Proceedings be forwarded to the Session Judge of Bellary for his information.

(Sent in No )

Doddah

Read

4th February 1833.

Read Calendar of Case N.o 4 of 1853 submitted by the Sessions Judge of Combaconum under date the 22d January 1853.

(Here enter F. No. N.o 202 of 1852.)

Read return dated 22d January 1853 from the Sessions Judge of Cuddapah to the Precept of the Foujdaree Udalut under date the 20th January 1853 returning the Calendar of Case N.o 83 of 1852 for the supply of commission therein observed.

(Here enter F. No. N.o 203 of 1833)

Read Calendar of Case N.o 1 of 1853 submitted by the Acting Sessions Judge of Mangalore under date the 20th January 1853.

(Here enter F. No. N.o 205 of 1853)

Read Calendar of Case N.o 19 of 1852 submitted by the Sessions Judge of Tellicherry under date the 19th January 1853

(Here enter F. No. N.o 206 of 1853)

Read Calendars of Cases N.os 1 and 2 of 1853 submitted by the Sessions Judge of Tinnevelly under date the 20th January 1853.

(Here enter F. No. N.os 210 & 211 of 1853)

Read

4th February 1833.

Read report, dated 11th December 1852 from the Sessions Judge of Masulipatam of Cases disposed of by the Magistracy in the Month of November 1852 under Section 54 Act VII of 1843.

(Here enter F. No. N.o 214 of 1853)

Read Statement dated 1st January 1853 from the Sessions Judge of Tinnevelly, of Batta paid to Prosecutors and witnesses attending before the Sessions Judge from 1st July to 31st December 1852.

(Here enter F. No. N.o 218 of 1833)

Read

F. C.

Saturday the 5th February 1853 } At a Court of the Foujdaree Udalut

Present

Sd/ G. S. Hooper Esquire
W. A. Morehead Esquire } Puisne Judges
Sd/ T. L. Strange Esquire

Read again Calendar of persons punished by the Magistrate and his Assistants in the Zillah of Canara from 1st April to 30th June 1852, both inclusive, forwarded by the Acting Sessions Judge of Mangalore.

(Here enter F. C. No 2937 of 1852)

Read also return made by the Acting Sessions Judge of Mangalore to this Court's Precept dated the 6th January 1853 directing him to review the Proceedings in Cases Nos 115 and 118 on the Calendar of persons punished by the Magistracy of Canara in the event of the fine imposed on them having been paid.

(Here enter F. C. No 216 of 1853)

No 115

With reference to the facts of this Case as set forth in the Sessions Judge's return and to the Sessions Judge's recorded opinion of it the Court of Foujdaree Udalut have to observe that the charge should have been headed and described as "Resistance

to

5th February 1853.

to Magisterial process."

№ 118 The Court of Foujdaree Udalut cannot concur in the view taken by the Sessions Judge of this Case. they do not look upon the act committed by the Prisoners as one involving penal consequences but to have involved no more than an assumption of property. The Court accordingly direct the fines imposed to be remitted.

Ordered that Extract from these Proceedings be sent to the Session Judge of Masulipatam for his information and guidance.

(Sent in №)

Read again supplemental Report of Persons apprehended in the Zillah of Rajahmundry and delivered to the Criminal Judge in the Month of October 1852 received from the Session Judge of Rajahmundry.

(Here enter F. C. № 2964 of 1852)

Read also return dated 21st January 1853 from the Session Judge of Rajahmundry to the Court's Precept dated 8th January 1853 conveying observations on the Criminal Reports for the Month of October 1852.

(Here enter F. C. № 217 of 1853)

121
137 The Court of Foujdaree Udalut does not consider



consider the explanation afforded by the Pundit and Moosty Sudr Ameens in these Cases to be at all satisfactory. The sentences passed were quite inadequate in both Cases In № 121, the Crime was house-breaking and theft and the prisoners in position of trust as respects the property stolen and in № 137, the offence being that of house breaking with intent to steal was of too serious nature to be so lightly treated

Ordered that Extract from these Proceedings be sent to the Session Judge of Rajahmundry for his information.

(Sent in №)

Read Criminal reports for the Months of December 1852 forwarded by the Session Judge of Timmevelly.

(Here enter F. C. № 240 of 1853)

Form № 1 In this Case the prisoner stood charged
103. with having fraudulently given certain false keys to his master the prosecutor and having been convicted of the offence of "attempting to deceive his master clandestinely" was sentenced by the Moosty Sudder Ameen to 3 Months imprisonment and hard labor in irons. The Session Judge on review of the proceedings reduced the sentence to one Month.

The Court of Foujdaree Udalut

2 are

5th Febr[illegible]ary 1853.

5th February 1853.

Read Calendar of Case No 37 of 1853, submitted by the Sessions Judge of Coimbatore under date the 17th Ultimo.

(Herewith F. Vo. No 242 of 1853)

Read Calendar of case No 38 of 1853, submitted by the Sessions Judge of Bellary under date the 26th Ultimo.

(Herewith F. Vo. No 248 of 1853) cs

Read letter dated 1st February 1853 from the Acting Sessions of Cuddalore, reporting that no cases have been pending trial for a period in excess of 25 days during the month of January 1853.

(Herewith F. Vo. No 249 of 1853)

Read Statement dated 28th January 1853 submitted by the Moofty Interpreter in charge of the Sessions Court of Masulipatam, of Batta paid to Prosecutors and Witnesses during the 2nd half of 1852.

(Herewith F. Vo. No 307 of 1853)

Read Statement dated 1st January 1853 submitted by the Acting Session Judge of Nellore of Batta paid to Prosecutors and Witnesses during the 2nd half of 1852.

(Herewith F. Vo. No 305 of 1853)

Read Statement dated 3rd February 1853 submitted by the Acting Session Judge of Nellore of Batta paid to Prosecutors and Witnesses during the 2nd half of 1852.

(Herewith F. Vo. No 314 of 1853.)

F. Vo.

Monday.
7th February 1853 } At a Court of the Foujdaree Adalut.

Present

The Hon'ble G. S. Hooper Esquire
W. A. Morehead Esquire } Puisne Judges
T. L. Strange Esquire

Read letter dated 28th January 1853 from the Acting Session Judge of Salem, submitting for the final Judgment of the Foujdaree Adalut the record of Case No 38 of 1852 of the Calendar of the Session Court.

(Herewith No 293 of 1853)

The Court of Foujdaree Adalut, on a deliberate Consideration of all the Circumstances of the Case in evidence before them, being of opinion that the proof against the prisoner

1st Vanniakarra Goundan, is sufficient to Convict him of the Crime of aggravated Homicide attended with wounding for which the penalty of Deyut is awardable under the Mohamedan Law as declared in Futwahs of their Law officers, and that against the prisoner

2d Cuttuff of Cheluvarayan of aiding and abetting therein, do Convict them respectively and under the provisions of Clause Second Section

Mr G. S. Hooper
and
Mr W. Morehead.

XV

are unable to discover in what the offence in this case consisted. The Sum total of the Prisoners offence would appear to have been a temporary disobedience of his masters Orders. for the Keys in question were not false ones in the strict acceptation of the term, and the Prisoners subsequently delivered up the right Keys.

Ordered that Extract from these Proceedings be forwarded to the Sessions Judge of Tinnevelly for his information.

(Sent in No )

Read return under date the 25th Ultimo from the Acting Sessions Judge of Nellore to the precept of the Tongdaree Udalut under date the 22d January 1853 conveying their remarks and orders on the Criminal Reports for November last.

(Here enter F. R. No 220 of 1853)

Read Statement under date the 31st December 1852, submitted by the Sessions Judge of Chicacole of Battah paid to the Prosecutors and Witnesses attending before him during the 2nd half of 1852.

(Here Enter F. R. No 226 of 1853)

Read Calendar of Case No 32 of 1852 submitted by the Sessions Judge of Cuddapah under



under date the 25th Ultimo.

(Here Enter F. R. No 229 of 1853)

Read letter under date the 24th Ultimo from the Sessions Judge of Guntoor forwarding Copy of a letter received from the Acting Magistrate of Guntoor reporting the result of the enquiry instituted by him under orders of this Court in Sessions Case No 1 of 1853.

(Here Enter F. R. No 230 of 1853)

Read letter under date the 24th Ultimo from the Sessions Judge of Guntoor furnishing the information required by Circular Order Fongdaree Udalut dated 3d May 1830 relative to the enforcement of the final sentence of Capital punishment in Sessions Case No 20 of 1852.

(Here Enter F. R. No 231 of 1853)

Read Extract from the Proceedings of the Sessions Court of Tellicherry dated 22d January 1853, forwarding the Calendar of Petty cases disposed of by the Magistracy during the 3d Quarter of 1852.

(Here Enter F. R. No 239 of 1853)

Read Calendar of Case No 7 of 1853, submitted by the Sessions Judge of Bellary under date the 25th Ultimo.

(Here Enter F. R. No 241 of 1853)

Read

5th February 1853.

Read Calendar of Case No 3 of 1853, submitted by the Session Judge of Coimbatore under date the 17th Ultimo.

(Here enter F. Ve. No 242 of 1853)

Read Calendar of Case No 8 of 1853, submitted by the Session Judge of Bellary under date the 26th Ultimo.

(Here enter F. Ve. No 248 of 1853)

Read Letter dated 1st February 1853 from the Acting Session of Cuddalore, reporting that no cases have been pending trial for a period in excess of 25 days during the month of January last.

(Here enter F. Ve. No 304 of 1853)

Read Statement dated 28th January 1852 submitted by the Moofty Sudr Ameen in charge of the Session Court of Masulipatam, of Batta paid to Prosecutors and Witness during the 1st half of 1852.

(Here enter F. Ve. No 307 of 1853)

Read Statement dated 1st January 1853 submitted by the Acting Session Judge of Nellore of Batta paid to Prosecutors and Witnesses during the 2d half of 1852.

(Here enter F. Ve. No 305 of 1853)

Read Statement dated 3d February 1853 submitted by the Acting Session Judge of Nellore of Batta paid to Prosecutors and Witnesses during the 2d half of 1852.

(Here enter F. Ve. No 314 of 1853)

Monday.
7th February 1853

# F. Ve.

At a Court of the Foujdaree Adalut.

Present

The Hon'ble G. S. Hooper Esquire
W. A. Morehead Esquire
T. L. Strange Esquire
} Puisne Judges.

Read letter dated 28th January 1853 from the Acting Session Judge of Salem, submitting for the final Judgment of the Foujdaree Adalut the record of Case No 38 of 1852 of the Calendar of the Session Court.

(Here enter No 293 of 1853)

The Court of Foujdaree Adalut,

Mr G. S. Hooper
and
Mr W. Morehead.

on a deliberate Consideration of all the Circumstances of the Case in evidence before them, being of opinion that the proof against the prisoner

1st Vanacharra Coonnee, is sufficient to convict him of the Crime of aggravated Homicide attended with wounding, for which the penalty of Deyut is awardable under the Mohammedan Law as declared in Futwahs of their Law officers, and that against the prisoners

2d Cuttuff of Cholavarum of aiding and abetting therein, do Convict them respectively and under the provisions of Clause Second Section

XV Regulation VII of 1802, Sentence the prisoner

1st Vanae Karra Counse to be transported to such place or places beyond sea as the Governor in Council shall appoint, there to be imprisoned and kept to hard labor on the public roads or other public works, for and during the term of his natural life - and the prisoner

2d Ensuff of Cholavarum, to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of (6) six months. -

(Sent in No )

Read Calendar of Case No 19 of the Session Court of Pallichcary.

(Here enter No 238 of 1853)

The Court of Fouzdaree Adalut approve of the recommendation made by the Sessions Judge in this Cause that the imprisonment which the Prisoner noted in the margin has been adjudged to suffer on his Conviction of the Crime of House-breaking and Theft, be reduced to four years imprisonment with hard labor in irons, and they do authorize the Sessions Judge to issue his warrant accordingly. -

Vaddagara tarew Abdoolla

Ordered that Extract from these Proceedings be forwarded to the Sessions Judge of



of Pallichcary for his information.

(Sent in No )

Read Calendar of Case No 45 of 1852 Submitted by the Sessions Judge of Honore under date the 20th Ultimo.

(Here enter F. D. No 232 of 1853)

The Court of Fouzdaree Adalut are not prepared to accede to the Recommendation of the Sessions Judge, that the Sentence recorded against the Prisoners in this Case be mitigated to (2) two years imprisonment with hard labor in irons, the Court being of opinion that a less severe Sentence than three years imprisonment with hard labor in irons would be insufficient to meet the demands of Justice, and they direct that the Sentence be reduced to that extent, -

Ordered that Extract from these proceedings be forwarded to the Sessions Judge of Honore for his information and guidance. -

(Sent in No )

Read again Supplemental Report of Persons apprehended in the Zillah of Cuddapah and delivered to the Subordinate Judge and

regarding

regarding whom no final Orders had been passed at the date of the report ending the 31st October last.

/Here enter F.R. No. 2931 of 1852/

Read also return to this Court's precept under date the 8th January 1853 made by the Sessions Judge of Cuddapah.

/Here enter F.R. No. 243 of 1853/

247. 1 Under the explanation submitted in this case by the Sessions Judge, the Court of Foujdaree Adalut are of opinion that the Sentence already passed, should not be disturbed.

2. With reference to the Sessions Judge's observations in the 7th para. of his return, under notice, the Court of Foujdaree Adalut have to point out that the particulars of previous Convictions should be invariably entered in the Report B to enable this Court to decide upon the propriety or otherwise of the Sentences that have been passed.

Ordered that Extract from these proceedings be sent to the Sessions Judge of Cuddapah for his information.

/Sent in/

Read a Miscellaneous Petition presented on the 27th November 1852 by Veerathoo Sahib of the Zillah of Chittoor through his Mooktegar



Mooktegar Vakeel.

/Here enter F. Mn. P. No. 160 of 1852/

Mr. G. S. Hooper. 1 The Petitioner is referred to the Orders of the Court of Foujdaree Adalut passed 24th June 1852 in the matter to which his Petition refers.

2. The Court do not consider that any further Orders are required and therefore reject this Petition.

Ordered that Extract from these proceedings be given to the Petitioner's Mooktegar Vakeel on his application.

Read Calendar of Case No. 22 of 1852 of the Sessions Court of Tinnevelly.

/Here enter F. R. No. 2424 of 1852/

Read also Miscellaneous petition presented on the 24th January 1853 by Coodooba Rowten of the Zillah of Tinnevelly.

/Here enter F. M. P. No. 15 of 1853/

Mr. G. S. Hooper. 1 The Petitioner complains of the acquittal of the Prisoners in Case No. 22 of 1852 of the Sessions Court of Tinnevelly and prays the Court of Foujdaree Adalut to call for the Proceedings and pass Orders thereon.

2 The Court of Foujdaree Adalut

Can

Can see no reason to question the propriety of the Sentence passed by the Session Judge in this Case by which the Prisoners were released. This Sentence having been passed by Competent authority cannot now be disturbed. The Court therefore move to reject this Petition.

Ordered that Extract from these proceedings be given to the Petitioner on his application

No 1802.

Read return dated 31st January 1853 from the Acting Session Judge of Mangalore to the Precept of the Foujdaree Udalut under date the 20th Inst directing him to call for the Record of Case No 153 of the Criminal Report and pass such orders thereon as may be required.

(Here enter F Vo. No. 316 of 1853)

Read return dated 3rd February 1853 from the Session Judge of Chittoor to the Precept of the Foujdaree Udalut under date the 31st January 1853 directing him to release the 2d Prisoner on Security mitigation of the sentence passed upon the 1st Prisoner in Calendar Case No. 44 of 1852.

(Here enter F Vo. No. 317 of 1853)

Read Report dated 1st February 1853 submitted by the Acting Session Judge of Salem of cases pending trial for a period in excess of 25 days in the month of January last.

(Here enter F Vo. No. 319 of 1853.)

F. Vo.

Tuesday 8th February 1853. } At a Court of the Foujdaree Udalut

Present

Mr. G. A. Hooper Esquire
Mr. W. B. Morehead Esquire
Mr. T. L. Strange Esquire
} Puisne Judges

Read Letter dated 4th Ultimo, from the Session Judge of Rajahmundry submitting for the final Judgment of the Foujdaree Udalut the Record of Case No 105 of 1852 of the Calendar of the Sessions Court.

(Here Enter F Vo No 308 of 1853)

The Court of Foujdaree Udalut on a deliberate consideration of all the circumstances of the Case in Evidence before them being of opinion that the proof against the prisoner,

1st Catamudy Lutchmedavee

is sufficient to convict her of the crime of knowingly receiving stolen property, do convict her thereof and under the provisions of Clause Second Section IV Regulation VII of 1822 sentence her to be imprisoned and kept to labor suitable to her sex for and during the period of (6) Six Months

The Court of Foujdaree Udalut

do

Mr. W. B. Morehead and Mr. T. L. Strange

do not consider the evidence in this Case sufficient
for the conviction of the prisoner of the murder
laid to her charge although the circumstances are
such as to raise strong suspicion of his guilt.

2 The deceased a child of twenty
of age was found drowned in a tank there were
no marks of violence on her body, there has been no
confession that the deceased was murdered and
no one witnessed the circumstances of her death.

3 The Court consider therefore that
proof is wanting of the fact of a murder having been
committed, and they have accordingly acquitted
the prisoner of the charge of murder but as it has
been proved that she was found in possession of an
ornament which had been on the person of the deceased
and must have been stolen from her, the Court
have convicted her of the crime of knowingly receiving
stolen property and have sentenced her to Six
Months Imprisonment with labor suitable to her sex.

Ordered that Extract from these
Proceedings be forwarded to the Sessions Judge of
Rajahmundry for his information.

(Sent in Ps.)

Read letter under date the 23d January
1853 from the Sessions Judge of Madura.

(Here enter G.O. No. 315 of 1853)



The Court of Foujdaree Udalut

1 cannot admit the explanation offered by the
Sessions Judge in the foregoing letter for his
omission to ascertain whether the identity of the
body of the person whose murder formed the
subject of the charge in the Case referred to
was capable of proof by the evidence of those persons
who saw the body after it was discovered.

The Sessions Judge is in error in
2 supposing that the admission of a prisoner absolves
him from the necessity of placing on record all
the evidence available and would appear to have
overlooked the instructions conveyed in the Circular
Order of the 7th September 1820 which directs that
in all Cases in which confession may have been
recorded "all the additional evidence which the case
"may admit of should be uniformly required and
"carefully taken both by the Criminal Judges and the
"Courts of Circuit."

Whether or not the additional evidence
3 to which the Court of Foujdaree Udalut adverted in
their proceedings of the 13th December last would have
shown that the proof of the identity of the corpse was
confirmed the prisoner's admission it is now impossible
to decide; but it appears to the Court to be obvious that
no such representation as those which were made by

Soma

some of the witnesses to the effect that they had heard from others that the Corpse was Kurpoges should have been left on the record without any explanation or attempt made to show of what nature the information was which the witnesses in question then stated themselves to have obtained.

4 The inquest papers should clearly have been so framed as to explain itself and its meaning should not have been left to be discovered by conjectures such as have been hazarded by the Sessions Judge.

5 The Court of Foujdaree Udalut observe that the reports of referred trials prepared in their Registers Office invariably state the sentence recommended by the Sessions Judge and therefore that the misconstruction asserted to by Mr Baynes in regard to the nature of the recommendation made by him in this Case cannot possibly occur.

6 The Court of Foujdaree Udalut deem it proper to remark in conclusion that the tone of the observations recorded in the foregoing letter is far from deferential and altogether unbecoming the position filled by the Sessions Judge with reference to the Higher Court.

Ordered that Extract from these Proceedings be forwarded to the Sessions Judge of



of Madura for his information and future guidance.

(Sent in No )

Read again Calendar of Case No 32 of 1852 on the file of the Sessions Court of Chingleput.

(Here enter F. C. No 7 of 1853)

Read also return to this Courts Precept under date the 14th January 1853.

(Here enter F. C. No 250 of 1853)

The doubts which had originally

A occurred to the Court of Foujdaree Udalut of the sufficiency of the grounds set forth by the late Acting Sessions Judge for the measures proposed by him in his concluding observations in this Case, have been confirmed on consideration of the representations made by the Magistrate in this return to the Precept issued by the late Acting Sessions Judge under date the 11th December 1852.

The Court of Foujdaree Udalut entirely agree with the Magistrate that the Police

2 Ameen has done nothing to call for his dismissal and that there has been no cause shewn for binding over the prosecutors to keep the peace towards Appavoo Moodely.

Ordered that Extract from these Proceedings be forwarded to the Sessions Judge of Chingleput

Chinglepet for his information and communication to the Magistrate.

(Sent in No )

Read again Calendar of Cases No 4 to of 1852 on the file of the Sessions Court of Nellore.

(Here Enter F. No. No 3900 of 1852)

Read also return under date the 29th January 1853, from the Acting Sessions Judge of Nellore to the precept of the Foujdaree Udalut dated the 22d December 1852 directing the submission of an English Translation of the record of the foregoing case

(Here Enter F. No. No 268 of 1853)

1

The 1st Prisoner in this Case was tried upon an indictment charging him with having on the evening of Monday the 1st November 1852 led "the daughter of the prosecutor the 1st witness to his house "pretending that he would give her an idol & shut the "door thereof and with intent to rob her of her neck "ornament called Kanta valued at 20 Pagodas pushed "her down laid hold of her throat knocked out one of "her teeth wounded her and attempted to put her into a "well at Sanjeevaraya Pettah attached to the Town "of Nellore."

2

The 2d prisoner was charged with having aided and abetted the 1st prisoner in the commission



perpetration of the Crime.

The Acting Sessions Judge in

3

concurrence with the Mahomedan Law Officer has convicted the 1st prisoner and sentenced him to four years Imprisonment with hard labor in irons and to receive 15 dozen lashes with a Cat o. Nine tails under the provisions of Clause fourth Section II and Clause Second Section III Regulation VI of 1822-

The 2d prisoner has been acquitted

4

and released-

On an attentive perusal of the

5

record the Court of Foujdaree Udalut do not consider the evidence sufficient for the conviction of the 1st prisoner of the attempt at theft laid to his charge-

The charge of an attempt at

6

theft rests entirely upon the evidence of the 1st witness, the real complainant in the case and considering that she is a girl of but 9 years of age and the 1st prisoner who is said to have made the attempt to deprive her of her Necklace a young man of 20; the Court of Foujdaree Udalut find it impossible to believe that he should have failed in this design had he really engaged therein, especially as according to the 1st witness' account of the affair he had the

2d

2d prisoner at hand to aid him.

7. That the 1st witness was assaulted by the 1st prisoner is clearly proved by the evidence of other persons but the Court see every reason to believe that the 1st witness exaggerated when she stated that the theft of her necklace was the object of the assault.

8 The Court of Foujdaree Udalut accordingly acquit the 1st prisoner of the attempt at theft charged against him and considering the imprisonment of three months which he has already undergone to be a sufficient punishment for the assault, they direct that he be unconditionally released.

Ordered that Extract from these Proceedings be sent to the Acting Sessions Judge of Nellore by precept returnable within thirty days from and after its receipt.

(Sent following Precept No )

Read letter under date the 26th Ultimo from the Sessions Judge of Coimbatore submitting copies of a return made by the Magistrate of that Zillah to a Precept issued to him, and of its accompanyment and as well as copy of this Proceedings dated the 22d Instant.

(Here enter F. C. No 255 of 1853)

Read Statement under date the 1st Ultimo submitted by the Session Judge of Trichinopoly showing the Amount Realized by the labor of Prisoners in the 4th Quarter 1852.

(Here enter F. C. No 263 of 1853)

Read letter under date the 26th Ultimo from the Moofty Sudr Ameen in charge of the Session Court of Masulipatam forwarding the Statement of batta paid to the children of Convicts in 4th Quarter of 1852.

(Here enter F. C. No 266 of 1853)—

Read Report dated 4th February 1853 submitted by the Session Judge of Chittoor of Cases pending trial for a period in excess of 25 days in the month of January last.

(Here enters F. C. No 341 of 1853)

F. C.

Thursday
10th February 1853 } At a Court of the Foujdaree Udalut

Present:

The Hon'ble G. L. Hooper Esquire
W. A. Morehead Esquire
W. F. L. Strange Esquire } Puisne Judges.

Read again Calendar of Case No. 11 of 1852 on the file of the Session Court of Rajahmundry.

(Here enter No. 900 of 1852.)

Read also Miscellaneous petition forwarded by the Session Judge of Rajahmundry from P. Venkatachariar prisoner in the foregoing Case and late Serishtadar in the Subordinate Court of Rajahmundry.

(Here enter No. 52 of 1852.)

Read also return under date the 11th June 1852 and Supplemental Return under date the 19th June 1852 from the Subordinate Judge of Rajahmundry to the precept of the Foujdaree Udalut dated the 1st June 1852 directing the Submission of the record of the foregoing Case and requiring an explanation of the Suspension of the Sentence passed thereon.

(Here enter Nos. 1459 and 1870 of 1852.)

Read

Read also Miscellaneous petition presented on the 8th December 1852 by J. Ouchterlony Esquire Vakeel on behalf of P. Venkatachurlo late Sheristadar in the Subordinate Court of Rajahmundry.—

(Here enter M.P. No. 165 of 1852)

Mr. W. A. Morhead / and / Mr. T. L. Strange.

On the application of the Petitioner P. Venkatachurlo the present Judges of the Court of Foujdaree Adalut have perused the record of the Case above recorded and on an attentive Consideration thereof the 2d and 3d Judges have decided that no sufficient evidence has been adduced to justify the Conviction of the irregularities for which the Court of Foujdaree Adalut in their proceedings of the 6th September last pronounced him to have been properly dismissed from his situation.—

2. In the opinion of the present Court the probabilities of the Case are strongly in favor of the Petitioner having been entirely ignorant of the irregularities he is charged to have taken part in.— It has been stated by the Sessions Judge that the Servants of the Subordinate Court were generally hostile to the Sheristadar and under these Circumstances that he should have acted as is deposed to by the witnesses for the



prosecution appears to the Court to be scarcely deserving of belief. The Petitioner had nothing of importance to gain by the Commission of the irregularities laid to his Charge and yet he is alleged to have risked his situation and his official Character after a lengthened and creditable Course of Service to escape a reprimand for what after all was but a trivial mistake and one not likely to be discovered.

3. The only evidence directly implicating the Petitioner is that of the 6th witness who was the writer of the substituted entry in the diary and who to screen himself would naturally plead that he had acted under the orders of the Petitioner the head ministerial officer of the Court the present Court cannot place dependence upon the testimony of this witness' in the face of the strong improbabilities which detract from its credibility.— apart from this witness' evidence the charge against the Petitioner rests entirely upon surmise. It has been Concluded that since the Petitioner's signature was affixed to the Original Order A and to the substituted Order B he must have been Cognizant of the particulars of these documents and a party to the tampering with the records.

If

It has been admitted throughout that no fraudulent motive was to be attributed to the Petitioner in allowing the Original Order to be prepared to a different purport from the instructions he had received, and the Court are of opinion that it may very fairly be believed that in the multiplicity of business passing through the Petitioners hands, the two documents in question, which in themselves had reference to only a very unimportant matter may have been taken by him on trust from those acting under him and his signature to the latter one obtained [illegible] in the same manner as the signature of the late Subordinate Judge was subsequently obtained to it.—

4. The Court of Foujdaree Adalut are therefore of opinion that the Petitioner has undergone a sufficient punishment for any neglect of duty he may have been guilty of and they direct that he be now restored to his situation as Serishtadar in the Subordinate Court of Rajahmundry.

Ordered that Extract from these Proceedings be sent to the Session Judge of Rajahmundry for Communication to the Subordinate Judge by precept returnable within

III

10th February 1853

III days from and after the receipt.

Ordered also that Extract from these proceedings be furnished to the Petitioner's Vakeel on his application.—

Read again Calendar of persons punished by the Magistrate and his Assistants &c. in the Zillah of Salem from the 1st July to 30th September 1852 both inclusive.—

/Here enter F. Re. No. 2939 of 1852/

Read also return from the Acting Sessions Judge of Salem to this Court's precept under date the 8th January 1853.—

/Here enter F. R. No. 272 of 1853/

Under the explanation offered by the

56

63. Sessions Judge the Court of Foujdaree Adalut concur with that officer in the legality of the sentences passed in both these cases; and approve of the Sessions Judge's proposition to call the Joint Magistrates attention to the necessity of entering Charge with greater precision.

Ordered that Extract from these proceedings be sent to the Acting Sessions Judge of Salem for his information and for Communication to the Magistrate.—

/Sent in No. /

Read

10th February 1853.

Read Calendar of Case No. 22 of 1852 of the Session Court of Guntoor.

(Here enter F.R. No. 209 of 1853)

The Court of Foujdaree Adalut approve of the Recommendation made by the Session Judge in the Case that the imprisonment to which the Prisoners noted in the Margin have been adjudged to suffer on their Conviction of the Crime of Highway Robbery be reduced to Six years' imprisonment with hard labor in irons, and they do authorize the Session Judge to issue his warrant accordingly.

Ordered that Extract from these proceedings be forwarded to the Session Judge of Guntoor for his information.

(Sent in No. /)

Ex 1868

Jogy Yerkadoo
Cankiedasoo
Yen Kutawagundoo.

Friday.
11th February 1853

F. C.

At a Court of the Foujdaree Adalut

Present:

Hon'ble G. S. Hooper Esquire - - -
Hon'ble H. S. Morshead Esquire - - -
Hon'ble T. L. Strange Esquire - - -

} Puisne Judges.

Read Letter dated the 22nd December 1852 from the Agent to the Governor in Vizagapatam Submitting for the final Judgment of the Foujdaree Adalut the Record of Case No. 15 of 1852 on the Calendar.

(Here enter No. 1 of 1853)

Read also return dated 30th January 1853 from the same officer to the precept of the Foujdaree Adalut under date the 14th January 1853 Calling for explanation in Case No. 15 of 1852 of the Agent's file.

(Here enter No. 338 of 1853)

The Court of Foujdaree Adalut,

Hon'ble G. S. Hooper
and
Hon'ble T. L. Strange

on a deliberate Consideration of all the Circumstances of the Case in evidence before them, being of opinion that the proof against the prisoners

1st Valaga Ghausedhora

2d Valaga Timmundhora

3d Muiyy Nary alias Dandoo

and

4th Arjoono

to

is sufficient to convict them of the Crimes charged, to convict them thereof; and sentence the prisoners,

1st Valagan Ghamundhoran

and

2d Velagan Timmundhoran

to be transported to such place or places beyond sea as the Governor in Council shall appoint there to be imprisoned and kept to hard labor on the public roads or other public works for and during the period of their natural lives. And the prisoners,

3d Muggy Hary alias Dumba

and

4th Arjoono

to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of (14) fourteen years.

Adverting to the reasons assigned by the Agent in the foregoing return for the delay which occurred in the transmission of any information to the Police authorities in regard to the outrage of which the prisoners have been convicted the Court of Foujdaree Udalut deem it necessary to direct that the Agent will submit a detailed report on the State of the Pauchepentah Zemindary which would appear to be in a most unsettled Condition, stating what measures he may consider to be advisable for the repression of Crime and the



the introduction of an efficient system of Police.

2- The Agent states in his return that as the trace in which the Crime charged against the Prisoners took place "not a single Police officer resides" and that from various Causes connected with the general peace of the division (which the Agent does not particularize) it is desirable that they should be but seldom visited by the Subordinate officers of Police".

3. Such a state of things is obviously most discreditable to our administration and should no longer be permitted to exist.

Ordered that Extract from these Proceedings be sent to the Agent to the Governor of Fort St. George at Vizagapatam by precept returnable within XX days from and after its receipt.

(Sent the following precept No.)

Ed 1809

F Dc

Saturday 12th February 1853

At a Court of the Fourjdaree Udalut

Present

Sjtk G. T. Hooper Esqre ——— Presid Judge

W. H. A. Morehead Esqre ——— Presid Judge

ditto T. L. Strange Esqre ——— Presid Judge

Read Calendar of Case No 1 of 1853

received from the Session Judge of Trichinopoly

(Here enter F Dc No 274 of 1853)

The Prisoner was charged with

"House breaking and theft" in having entered the

house of the Prosecutrix, opened the lock of the room

door and stolen therefrom property of a certain value

The Court of Fourjdaree Udalut

2.

observe that it is not apparent that there was a

case of "House breaking" as the charge does not show

in what way the Prosecutrix' house was entered.

Ordered that Extract from these

Proceedings be forwarded to the Session Judge of

Trichinopoly for his information and guidance by

precept returnable in 14 days from and after its receipt

(Seek following precept No

Read report of persons apprehended

in

in the Zillah of Masulipatam and delivered to the Sessions Judge in the month of December 1852

(Here enter F. No. N°309 of 1853)

Case N°82. 1 The Prisoners are charged with house breaking and theft in having "dug a hole to the compound wall of the Prosecutors house, entered in, and stolen from the hands of his nephew, certain property"

2 The charge as above framed does not constitute the offences of house breaking. The Court of Sunjdarce Udalut consequently direct the Sessions Judge to afford further explanation relative to the case on [illegible] the sentence which has passed against the 1st Prisoner under Clause sixth Section II Regulation XI of 1822.

Ordered that Extract from these Proceedings be forwarded to the Sessions Judge of Masulipatam by Precept returnable in x days from and after its receipt.

(Sent following precept N°

Read again Criminal reports of the Sessions Court of Chicacole for the month of November 1852.

(Here enter F. No. N°2999 of 1852)

Read also copy of return by the Principal Sudr Ameen of Vizagapatam to this Courts precept under



under date the 22d January 1853 forwarded by the Sessions Judge of Chicacole

(Here enter F. No. N°315 of 1853)

Case N°18. 1 The Prisoner stood charged in this case with House breaking and theft, in having entered the Prosecutors compound and removed the cover of his granary and stolen grain therefrom

From the above return it would

2 appear that the granary in question was a basket with a moveable cover as the breaking into an article of this description does not constitute the crime of house breaking. The Court of Sunjdarce Udalut consequently direct the Sessions Judge to review the case and to pass an amended sentence thereon

Ordered that Extract from these Proceedings be forwarded to the Sessions Judge of Chicacole by precept returnable in x days from and after its receipt

(Sent following precept N°

Read Calendar of Case N°3 of 1853 of the Session Court of Combaconum

(Here enter F. No. N°353 of 1853)

The Court of Sunjdarce Udalut approve of the recommendation made by the Sessions Judge in this Case that the imprisonment which the

Vistnien
Soondara Sastry

the Prisoners noted in the margin have been adjudged to suffer on their conviction of the crimes of Perjury be reduced in the case of the 1st Prisoner to 6 months and in that of the 2nd to 3 months imprisonment with hard labor without irons, and they do authorize the Sessions Judge to issue his warrant accordingly

Ordered that Extract from these Proceedings be forwarded to the Sessions Judge of Cuddapah for his information.

(Sent in No.

Read Letter dated the 5th Instant from the Acting Civil Judge of Cuddalore, submitting for the sentence of the Court of Foujdaree Adalut the record of Case No. 9 of 1853 on the file of the Sessions Court

(Hereunto F 26 No. 365 of 1853)

Mr. N. A. Morehead
Mr. T. L. Strange

The Court of Foujdaree Adalut, on deliberate consideration of all the circumstances of the case in evidence before them, being of opinion that the proof against the prisoner,

2nd Cousins,

is sufficient to convict him of having been found in possession of stolen property, do convict him thereof; and under the provisions of Clause second Section IV Regulation XV of 1822, sentence him to be imprisoned and kept to hard labor in irons on the public



F 26
12th February 1853.

public roads or other public works for and during the period of One year.

(Sent in No.

Read Statement dated 26th January 1853, submitted by the Magisty Sub Jurors in charge of the Sessions Court of Masulipatam, of amount realized by the labor of Convicts in the Jail during the 4th Quarter of 1852.

(Hereunto F 26 No. 267 of 1853)

Read report dated 22nd January 1853, submitted by the Sessions Judge of Rajahmundry, of the labor of Convicts in the Jail at Coconada under the charge of the Magistrate for the month of December 1852

(Hereunto F 26 No. 271 of 1853)

Read return dated 26th January 1853 from the Sessions Judge of Trichinopoly to the precept of the Foujdaree Adalut under date the 7th Instn, directing him to receive the proceedings in Case No. 104 of 1852 on the file of the Principal Sudr Ameens Court, the sentence passed in which appears to the Foujdaree Adalut to be unnecessarily severe.

(Hereunto F 26 No. 273 of 1853)

Read Calendar of Case No. 9 of 1853 submitted by the Sessions Judge of Bellary

under

under date the 28th January 1853.

(Here enter F. No. N° 278 of 1853)

Read report dated 1st February 1853.

submitted by the Principal Sub Assistant in charge of the Session Court of Chingleput, of Case pending on the 31st January 1853 and committed for trial during the Month of November 1852.

(Here enter F. No. N° 280 of 1853)

Read Statement dated 1st January 1853, submitted by the Session Judge of Cuddalore of Batta paid to Prosecutors and Witnesses attending before the Sessions Court during the 2nd half of 1852

(Here enter F. No. N° 285 of 1853)

Read return dated 29th January 1853 from the Session Judge of Cuddapah to the precept of the Foujdaree Adalut under date the 29th Idem directing him to pass a mitigated sentence of 2 years imprisonment with hard labor in irons on the Prisoner in Case N° 85 of 1852.

(Here enter F. No. N° 286 of 1853)

Read Calendar of Case N° 3 of 1853 submitted by the Session Judge of Tinnevelly under date the 27th January 1853.

(Here enter F. No. N° 289 of 1853)

Read

12th February 1853.

Read letter dated the 1st February 1853 from the Magistrate of Chingleput acknowledging the receipt of a printed copy of the Criminal reports for 1851.

(Here enter F. No. N° 295 of 1853)

Read copy of the Magistrates explanation to the remarks of the Session Court on the Petty Calendars for the 4th Quarter of 1852, submitted by the Subordinate Judge in charge of the Session Court of Rajahmundry under date the 25th January 1853.

(Here enter F. No. N° 296 of 1853)

Read the Magistrates Jail report for the Month of December 1852, submitted by the Session Judge of Combaconum under date the 29th January 1853.

(Here enter F. No. N° 297 of 1853)

Read Calendar of Case N° 1 of 1853 submitted by the Session Judge of Rajahmundry under date the 26th ultimo.

(Here enter F. No. N° 298 of 1853)

Read Calendar of Case N° 42 of 1852 submitted by the Session Judge of Rajahmundry under date the 26th ultimo.

(Here enter F. No. N° 299 of 1853)

12th February 1853.

Read letter under date the 2d Febry 1853 from the Session Judge of Combaconum submitting an English translation of the record of Case No. 2 of 1853 on the Calendar of the Session Court for the final judgment of the Sunjdarce Adalut.

(Vide enter F. 76 No. 331 of 1853)

Before finally disposing of this case the Court of Sunjdarce Adalut deem it necessary to direct that the Puttigar named Mauvimoottoo and the Acting Talliary Nagalingum both of whom are referred to in the record as having taken part in the apprehension of the prisoner should be examined in regard to the circumstances under which the apprehension took place.

2. The Court of Sunjdarce Adalut observe that the statements made by the prisoner regarding the manner of her apprehension are borne out by the evidence given by the Prosecutor before the Head of Police but differ from the account given by the 6th witness paid in order that the discrepancies of the evidence on this point should if possible be fully cleared up it is necessary that the two individuals above mentioned should be fully examined.

3. The Court direct that the prisoner be called upon to plead again in her defence with reference

F. 76.
12th February 1853.

reference to the additional evidence now called for.

Ordered that Extract from these Proceedings be forwarded to the Session Judge of Combaconum by precept returnable within x days from and after its receipt.

(Sent following precept No. 5

Rd 18d.

Monday
11th February 1853.

D.C.

At a Court of the Magistrates Tribunal

Present

G.H. — G.A. Hooper Esqr.
B.M. — B.M. Macleod Esqr.
W. — L.L. Strange Esqr. — Circuit Judges

Read Miscellaneous Petition presented on the 3rd January 1853 by L. Affleck Tattoo on behalf of H. Lutchmee Narsimah and another of the Zillah of Rajahmundry.

(Here enter D.C. vol. V. No. 3 of 1853.)

The Petitioners were 1st and 2nd Respondents in Case No. 37 of 1852 on the file of the Magistrates Court of Rajahmundry.

1 The Court of Magistrates Tribunal on a reference being made by the Magistrate Judge ordered the release of the 1st and 2nd Prisoners in this case. The Petitioners pray that the Court will reconsider their orders for the reasons contained in their Petition.

2 The Court of Magistrates Tribunal after perusing this Petition fail to discern any reason to induce them to alter their former views of the case in question and therefore do reject this Petition

Ordered, that Extract of these proceedings be furnished to the Petitioners Vakeel on his application.

Read Miscellaneous Petition presented on the 21st January 1853 by Chintadrinnamy Cahetty of the Zillah of Coimbatoor.

(Here enter D.C. vol. V. No. 14 of 1853.)

The

ater Hooper

14th February 1853

Mr. Strange

The Petitioner as in his previous Miscellaneous Petition No. 188 of 1852 prays that the order of the Subordinate Judge of Coimbatoor by which he was required to give security may be reversed.

2. The time for which the Petitioner was required to find security has expired, and he does not show what end it is to be gained by his appeal. Under these circumstances the Court of Sudder Adalut decline interfering in this matter.

Ordered, that Extract of these proceedings be furnished to the Petitioner on his application

Read Calendar in Case No. 288 of 1852 forwarded by the Sessions Judge of Chingleput

(Here enter E.E. No. 287 of 1853.)

1. The Court having before it sufficient evidence that the prisoner is detained in his custody for nine days.

2. The Court of Sudder Adalut require that he be called upon by the Acting Magistrate to account for this and that his explanation may be submitted to them together with the sentiments of the Acting Magistrate and the Sessions Judge thereupon

3 The Court of Sudder Adalut have to point out to the Sessions Judge that in recording his sentence it suffices that he should show what facts may have been proved or have failed of proof according to the evidence, and that it is unnecessary that he should give extracts of such evidence.

Ordered, that Extract of these proceedings be sent to the Sessions Judge of Chingleput for

14th February 1853

for his information and guidance by first post returnable in X days from and after its receipt.

Sent following Receipt No.

Read letter under date the 29th January 1853 from the Sessions Judge of Coimbatore enclosing a copy of communication from the Magistrate and Joint Magistrate of Coimbatore wherein they Courts instructions are requested as to the proceedings to be held in cases where an inquest may be necessary on the sudden death of Europeans.

(Here enter E.E. No. 284 of 1853)

The Court of Sudder Adalut are of opinion that in all cases of sudden or suspicious death of Europeans, the Joint Magistrate should proceed to the spot and hold an inquest assisted by a Medical Officer and one or more Europeans, Civil or Military; and that on the close of the enquiry the proceedings should be forwarded to the Magistrate.

Ordered, that Extract of these proceedings be sent to the Sessions Judge of Coimbatore for his information.

(Sent in No.)

Read again Calendar of Case No. 21 of 1852 of the Sessions Court of Chingleput.

(Here enter E.E. No. 1 of 1853)

Read also Letter dated the 3rd instant from the Sessions Judge of Chingleput to the Registrar of the Sudder Adalut conveying the observations of this Court on the above Calendar.

(Here enter E.E. No. 334 of 1853.)

The Court of Sudder Adalut dissent from the opinion of the revised recommendation made by the Sessions Judge in this case that the imprisonment which

14th February 1853

× Chokkalinga Mordaly which the Prisoner noted in the margin has been adjudged to suffer on his conviction of the crime of Perjury be reduced to one years imprisonment with hard labor in irons and they do authorize the Sessions Judge to issue his warrant accordingly.

Ordered that Extract from these Proceedings be forwarded to the Sessions Judge of Chingleput for his information.

Sent in No

Read Extract from the Proceedings of the Sessions Court of Tinnivelly under date the 2d February 1853 held in Sundries Case No 11 of 1853 on the file of the Sessions Court of Tinnivelly.

Were entered Dt. No 36th of 1853

With reference to the Sessions Judges opinion that the Prisoner in the case above recorded were committed on insufficient and contradictory evidence upon which it would be impossible to commit and to his consequent release of the Prisoner from the Bar under the Circular Order Regulation Dated 26th November 1825; the Court of Regulation Dated have to point out to the Sessions Judge that he should have proceeded to the trial of the case, as its disposal turned upon an Appreciation of the evidence.

Ordered that Extract of these proceedings be sent to the Sessions Judge of Tinnivelly for his information and future guidance.

Sent in No

Read

Dt.

14th February 1853.

Read Sundries (No 1) of Proceedings by the Magistrate of South Arcot and his Assistants during the 4th Quarter of 1852 forwarded by the Acting Sessions Judge of Cuddalore

Were entered Dt. No 355 of 1853

Case No 81.

1. The Prisoner stand charged in this case with "Criminating" in having attempted under false pretences to procure Labourers for emigration to a foreign settlement"

2. The Court of Regulation Dated observe that the charge in this case his departure as it should have set forth the acts alleged and the parties affected thereby.

3. The Court of Regulation Dated therefore direct the Acting Sessions Judge to obtain and submit for their consideration a full explanation of the particulars of this case.

Ordered that Extract of these proceedings be sent to the Acting Sessions Judge of Cuddalore by speedy returnable in X days from and after its receipt.

Sent following receipt No

Dt.

Dt

do Caution

accordingly.

Ordered that the

Proceedings be forwarded to the

for his information.

Tuesday.
15th February 1853 } At a Court of the Fongdarea Adalut.

Present.

Hon'ble G. L. Cooper Esquire
Hon'ble H. A. Morshead Esquire
Hon'ble T. L. Strange Esquire
} Puisne Judges

Read again Calendar of Case No. 12 of 1852 on the file of the Sessions Court of Chicacole.

(Here enter No. 2712 of 1852)

Read also return under date the 22d December 1852; and Supplemental return under date the 20th January 1853 from the Sessions Judge of Chicacole, to the precept of the Fongdarea Adalut dated the 2d December 1852, conveying their orders on the foregoing Case.—

(Here enter No. 3 and 264 of 1853)

1 On an attentive Consideration of the record of this Case the Court of Fongdarea Adalut are of opinion that a Sentence of four years imprisonment in Case of each of the three prisoners charged will be sufficient to meet the demands of Justice. And the Court direct that the Sessions Judge will Amend his warrant accordingly.

2 It is to be regretted that the remarks recorded

F. C.

Tuesday.
15th February 1853 } At a Court of the Fougdaree Kolalut.

Present.

Hon'ble G. L. Brasier Esquire
Hon'ble H. A. Morshead Esquire } Puisne Judges
Hon'ble T. L. Strange Esquire

Read again Calendar of Case No. 12 of 1852 on the file of the Session Court of Chicacole.

(Here enter No. 2 12 of 1852)

Read also return under date the 22d December 1852; and Supplemental return under date the 20th January 1853 from the Session Judge of Chicacole, to the precept of the Fougdaree Kolalut dated the 2d December 1852, conveying their orders on the foregoing Case.—

(Here enter No. 3 and 264 of 1853)

1 On an attentive Consideration of the record of this Case the Court of Fougdaree Kolalut are of opinion that a Sentence of four years imprisonment in Case of each of the three prisoners charged will be sufficient to meet the demands of Justice. And the Court direct that the Session Judge will Amend his warrant accordingly.

2 It is to be registered that the remarks recorded

recorded by the Sessions Judge on the Calendar, did not Contain the information furnished in his return of the 22d December; as in that Case the translation of the record in all probability would not have been required.—

Ordered that Extract from these proceedings be sent to the Sessions Judge of Chicacole by precept returnable in 15 days from and after its receipt.—

(Sent the following precept No. 1)

Ea 1 Rs



F. U.

At a Court of the Foujdaree Udalut.

Present

G. L. Hooper Esqre.
W. A. Morehead Esqre. } Puisne Judges
J. L. Strange Esqre.

Read Calendar in Case No 2 of 1853

forwarded by the Acting Sessions Judge of Salem,

Here enter F. U. No 347 of 1853.

1. The Acting Session Judge in releasing the Prisoners in this Case records the following observations "the 1st and 2d Prisoners (and Palany released by the subordinate Court) bear on their arms the deep scars caused by ropes or Cords having been tightly applied to those parts so as to bring the elbows nearly in contact behind their backs, and also other but slighter marks of ill usage lately inflicted

2. The Court of Foujdaree Udalut direct the Acting Session Judge to call upon the Magistrate to hold inquiry as relates to the condition in which as above represented, the Prisoners were when brought before the Session Judge, so as to show which of his Police officers may be looked upon as responsible for the treatment which the Prisoners would appear to have sustained.

3. The Acting Session Judge will be pleased to submit the result of such investigation for the information of this Court, together with his opinion on the matter.

Ordered that Extract from these Proceedings be sent to the Acting Session Judge of Salem by precept returnable within X days from and after its receipt

/ Sent / following precept No /

Read again Criminal Reports for the month of December 1852 forwarded by the Acting Subordinate Judge through the Session Judge of Chittoor

Here enter F. C. No 138 of 1853.

Read also return by the Session Judge to this Court's precept under date the 31st January 1853.

Here enter F. C. No 342 of 1853

No 128 1. The Court of Foujdaree Udalut have given due consideration to the reasons assigned by the Subordinate Judge for having administered flogging to the Prisoners in this Case, who were convicted of having escaped from the Jail Hospital, but observing that there do not appear to have been any circumstances of aggravation in the conduct of the Prisoners in effecting their escape. They are constrained to record their opinion that the



the subjecting them to flogging was an act of unnecessary severity.

Ordered that Extract from these Proceedings be forwarded to the Session Judge of Chittoor for his information.

/ Sent in R. /

Read letter under date the 26th January 1853 from the Session Judge of Bellary forwarding English Translation of the record of Case No 5 of 1853, on the Calendar of the Session Court, for the final Judgment of the Court of Foujdaree Udalut.

Here enter F. C. No 277 of 1853.

The Court of Foujdaree Udalut on a deliberate consideration of all the circumstances of the Case in evidence before them being of opinion that the Prisoners

1st Roodrah.

2d Malah and

3d Gungamah (Female)

are not Convicted on presumptive proof or on the evidence of credible witnesses, or on their own confession of the

Crime

crime charged, do acquit them thereof, and direct that they be set at liberty.

1. The Court of Foujdaree Udalut have been unable to concur with the Session Judge in consi-dering the evidence in this case sufficient to convict the prisoners of the murder laid to their charge

2. The Court of Foujdaree Udalut see reason to distrust the confessions alleged to have been made by the prisoners before the Police the genuineness of which is not in the opinion of the Court by any means established by the admissions made by the 1st and 3d Prisoners before the Subordinate Criminal Court.

3. The Court of Foujdaree Udalut further consider that the identity of the Corps found in the well in the 1st Prisoners field with that of the 3d Prisoners husband has not been by any means satisfactorily established. The body was not in a condition to be identified and the evidence of the 4th Wit-ness who was called to prove the identity of the clothes found with it shows that they could not be those of the deceased.

4. The Court of Foujdaree Udalut are constrained to remark that the investigation of the Case has not been satisfactorily Conducted - there is no evidence to show by whom the Head of Police was taken to the well in which the body was found and on this point it appears that the Court



Court that the Head of Police should have been himself, examined by the Session Court. The examination held by the Session Judge as to the state of the corpse was entirely defective - the inquest paper would lead to the conclusion that the skull was fractured, but so far as appears on the trial the death might have been caused by an act of suicide

5 The Court of Foujdaree Udalut have directed that the Prisoners should be unconditionally released

Ordered that Extract from these Pro-ceedings be forwarded to the Session Judge of Bellary for his information

Sent in Ns

E. Thott

Thursday
17th February 1853.

+

F. U.

At a Court of the Foujdaree Udalut.

Present.

G. S. Hooper Esqr.
W. A. Morehead Esqr. } Puisne Judges
T. L. Strange Esqr.

Read again Calendar of Cases Nos. 76, 77, and 87 of 1852 on the file of the Session Court of Masulipatam

Herewith Nos. 27 & 30 of 1853.

Read also return made by the Session Judge of Masulipatam to this Court — Precept under date the 14th January 1853.

Here enter F. U. No. 375 of 1853.

Nos. 76 and 77

1. Under the explanation now offered by the Session Judge, the Court of Foujdaree Udalut consider the grounds of conviction in both these Cases to be sufficient.

2. With reference to Para 5 of the foregoing return, the Court of Foujdaree Udalut have to point out to the session Judge that although it is not necessary that a summary of the evidence should be given in his sentences, all the facts proved before him should appear therein.

Ordered that Extract from the Proceedings

# F. C.

Friday
18th February 1853

At a Court of the Foujdaree Udalut

Present

Sd/ G. A. Hooper Esqr. —
Sd/ W. A. Morehead Esqr. — Puisne Judges
W. J. L. Strange Esqr. —

Read letter under date the 28th January 1853 from the Subordinate Judge in charge of the Court at Rajahmundry Communicating for the decision of this Court a difference of opinion between the Sessions Judge and Magistrate of Rajahmundry relative to the construction of act XXXII of 1852 with reference to Regulations III of 1819.

(Here enter F. C. No 292 of 1853)

The question at issue in the preceding Communication is whether the Regulation in question is superceded by the act referred to. The Court of Foujdaree Udalut are clearly of opinion that such is not the case. They observe that the Act authorizes prosecution on the part of the Government and embraces within

within its provisions the trial of any ministerial or Police Officer in any Department or office while the Regulation only contemplates prosecution by aggrieved parties.

3 The Court of Foujdaree Udalut therefore consider that the power granted under Act XXXII of 1852 is intended to be in Extention of that conferred by Regulation III of 1819 and by no means in Supercession of this Regulation.

Ordered that Extract from these Proceedings be sent to the Subordinate Judge in charge of the Session Court of Rajahmundry for his information.

(Sent in No )

Read return dated 2d February 1853 from the Session Judge of Tellicherry to the Precept of the Foujdaree Udalut under date the 27th January 1853 Conveying the remarks of the Judges on the Criminal Reports submitted by the Principal Sudder Ameen in charge for the Month of November 1852

(Here enter F. Co. No 348 of 1853.)

Read Extract from the Proceedings of



of the Session Court of Trichinopoly under date the 31st January 1833 on perusal of the Magistrate's Petty Calendar and return for the 4th Quarter 1852.

(Here enter F. Co. No 349 of 1853)

Read Statement dated 15th January 1853 from the Session Judge of Canara, showing the amount realized by the labor of Prisoners in the Jail at Seringapatam in the 4th Quarter of 1852.

(Here enter F. Co. No 358 of 1853)

Read Calendar of Cases Nos 85 86-94 and 95 of 1852 submitted by the Sessions Judge of Masulipatam under date the 31st January 1853.

(Here enter F. Co. No 360 of 1853)

Read Calendar of Case No 92 of 1852 submitted by the Sessions Judge of Masulipatam under date the 31st January 1853

(Here enter F. Co. No 361 of 1853)

Read letter dated 2nd Instant from the Subordinate Judge in charge of the Sessions Court of Rajahmundry, submitting a Calendar which inadvertently omitted by the Magistrate to be included with the

Petty

Petty Calendar for the 4th Quarter of 1852.

(Here enter F. Ub. N°362 of 1853)

Read Calendar of Cases N°5 of 1853 Submitted by the Session Judge of Jaffnapatam under date the 29th January 1853.

(Here enter F. Ub. N°363 of 1853)

Read letter dated 1st February 1853 from the Sessions Judge of Manaar, reporting that no Cases were pending before the Sessions Court in January for more than 25 days.

Here enter F. Ub. N°366 of 1853.

Ed 18th

F. Ub.

Saturday 19th February 1853. } At a Court of the Fouzdaree Udalut

Present

The Hon. G. S. Hooper Esqr.
W. A. Morehead Esqr.
U. J. L. Strange Esqr.
} Puisne Judges.

Read again letter under date the 2nd February 1853 from the Session Judge of Combaconum submitting an English Translation of the record of Case N°2 of 1853 on the Calendar of the Sessions Court for the final judgement of the Fouzdaree Udalut.

(Here enter F. Ub. N°331 of 1853)

Read also return under date the 15th February 1853 from the Session Judge of Combaconum, to the Precept of the Fouzdaree Udalut dated the 12th February 1853, directing the examination of certain persons referred to in the record of the foregoing Cases.

(Here enter F. Ub. N°A 362 of 1833)

The depositions forwarded by the Session Judge with the foregoing return.

return and the explanation therein submitted by him do not appear to the Court of Foujdaree Udalut to afford a satisfactory solution of the doubts entertained by them as to the time at which and the circumstances under which the apprehension of the prisoner took place.

2 The Session Judge would seem to have relied on the Prosecutor's statement that it was after the burial of the child that the 1st witness informed him of her having seen the prisoner in Company with the deceased. It appears however to the Court of Foujdaree Udalut from the whole tenor of the 1st witness's evidence that it was when the Prosecutor was searching for his missing child that the said witness informed him of her having a short while previously seen the child in the prisoner's Company, and not, as the Prosecutor asserts, after he had found the dead body in the Channel.

3 The Statement of Marcenco taken before the Police would also seem to indicate that the prisoner was apprehended by him before the discovery of the dead body it being inferrible from his deposition that the fact of the discovery of the body had not been ascertained to

19th February 1853.

to him when he took the prisoner into Custody.

4 Under these Circumstances the Court of Foujdaree Udalut deem it necessary to repeat the instructions conveyed in their Proceedings of the 12th Instant for the examination of Marcenco and Nogalingum on the points therein referred to.

Ordered that Extract from these Proceedings be sent to the Sessions Judge of Combaconum by Precept returnable within V days from and after its receipt.

(Sent following Precept No )

Read Calendar of Case No 910 of 1852 Submitted by the Sessions Judge of Tanjore under date the 19th January 1853.

(Here enter Fl. Dc. No 767 of 1853)

Read Calendar of Case No 890 of 1852 Submitted by the Sessions Judge of Tanjore under date the 20th January 1853.

(Here enter Fl. Dc. No 777 of 1853)

Ed 18 Dc.

F. W.

Monday
21st February 1853. } At a Court of the Foujdaree Adalut

Present

Wm. G. A. Hooper Esquire
Hon'ble W. H. A. Morehead Esquire } Puisne Judges
W. J. L. Strange Esquire

Read Miscellaneous petitions presented on the 20th and 31st January 1853

Mr. J. L. Strange

by Coosso Sanay Iyer late Frontier Chowkidar in the Zillah of Tinnevelly.

(Here F. W. P. Nos. 13 and 18 of 1853)

The Petitioner prays with reference to the Circumstances connected with his dismissal from his situation, and detailed in his Petition No. 166 of 1852, that the Court of Foujdaree Adalut will Call for the record &c. of his Case, and Satisfy themselves of his innocence of the frauds imputed to him.

2 The Petitioner is referred to the Order of this Court dated the 24th Ultimo informing him that it was not Competent to them to interfere in his Case.

3 The Court of Foujdaree Adalut are therefore Constrained to reject the present petitions.—

Ordered that Extracts from these proceedings be given to the Petitioner on his application.—

Read

21st February 1853.

Read letter under date the 4th February 1853 from the Session Judge of Calicut forwarding English translation of the record of Case No. 53 of 1852 on the Calendar of the Session Court for the final Judgment of the Court of Foujdaree Adalut.

(Here enter No. 380 of 1853)

Mr. G. S. Hooper and Mr. T. L. Strange

The Court of Foujdaree Adalut, on a deliberate Consideration of all the Circumstances of the Case in evidence before them, being of opinion that the proof against the prisoner

"Tenoor Tyan"

is sufficient to Convict him of the Crimes charged, do Convict him thereof, and Sentence him to be transported to such place or places beyond sea as the Governor in Council shall appoint, there to be imprisoned and kept to hard labor on the public roads or other public works for and during the period of his natural life.

(Sent the following letter No.)

Read letter under date the 8th February 1853 from the Acting Session Judge of Mangalore, forwarding English translation of the record of Case No. 2 of 1853 on the Calendar of the Session Court for the final Judgment of the Court of Foujdaree Adalut.

(Here enter File No.

21st February 1853.

Mr. G. S. Hooper and Mr. T. L. Strange

The Court of Foujdaree Adalut on a deliberate Consideration of all the Circumstances of the Case in evidence before them, being of opinion that the Prisoner

"Forera"

is not Convicted on presumptive proof or on the evidence of Credible witnesses, or on his own Confession of the Crime charged, do acquit him thereof and direct that he be set at liberty.

The Court of Foujdaree Adalut have been unable to Concur with the Acting Sessions Judge in Considering the evidence sufficient to Convict the prisoner in this Case of the Crime laid to his Charge.

It does not appear to the Court to have been satisfactorily shown, what Caused the death of the deceased. It is presumed by the Acting Session Judge, to have resulted from his having been fired by the prisoner to arrest him when discovered by the latter in the act of pilfering in his garden but the injury which the deceased thereby sustained, does not seem to have been sufficiently severe to account for his death, which the Court are inclined to think may with as much probability be attributed to his fall into a ditch when struggling with the Prisoner

the

the said ditch being deep and full of stones.

3. The Court of Foujdaree Udalut Concur with the Acting Session Judge that it would not be expedient to put the 1st witness on his trial for perjury.

Ordered that Extract from these proceedings be forwarded to the Acting Session Judge of Mangalore for his information.

(Sent in &c.

Read Letter under date the 7th February 1853 from the Session Judge of Masulipatam forwarding English translations of the records of Cases Nos. 59. 60. 61. 62. 63. and 66 on the Calendar of the Session Court for the final Judgment of the Court of Foujdaree Udalut.

(Here enter Nos. 413, 414, 440, 441, 442, 443 of 1853)

Case No. 59.

Mr. H. A. Morrhead

The Court of Foujdaree Udalut, on a deliberate Consideration of all the circumstances of the Case in evidence before them, being of opinion that the proof against the Prisoners

1st Dandagala Venkadoo
and
2d Bunderu Suttigadoo.

is sufficient to convict them of the Crime Charged, do Convict them thereof but as they have been sentenced in Case No. 62 on the Masulipatam Calendar for 1852, no further Sentence is required to be passed upon them in this Case.



Case No. 60.

Mr. H. A. Morrhead

The Court of Foujdaree Udalut, on a deliberate Consideration of all the circumstances of the Case in evidence before them, being of opinion that the proof against the Prisoners

1st Dandagala Venkadoo

and

2d Bunderu Suttigadoo

is sufficient to convict them of the Crime Charged, do Convict them thereof but as they have been sentenced in Case No. 62 on the Masulipatam Calendar for 1852, no further Sentence is required to be passed upon them in this Case.

Case No. 61.

Mr. H. A. Morrhead.

The Court of Foujdaree Udalut, on a deliberate Consideration of all the circumstances of the Case in evidence before them, being of opinion that the proof against the prisoners

1st Tummerlatty Pitchiegaudoo

and

2d Atchee Venkadoo

is sufficient to convict them of the Crime of Gang Robbery with violence, do convict them thereof and under the provisions of Clause Second Section IV Regulation XV of 1803, and Section XXXIV Act XV of 1843, sentence the prisoner

2d Atchee Venkadoo

to

to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of (7) Seven years, but as the prisoner

1st Tummeshetty Petchegadoo

has been sentenced in Case No. 62 on the Masulipatam Calendar for 1852, no further sentence is required in this Case.—

Case No. 62.
Mr. H. A. Morshead.

The Court of Foujdaree Adalut, on a deliberate Consideration of all the Circumstances of the Case in evidence before them, being of opinion that the proof against the prisoners,

1st Tummeshetty Petchegadoo
2d Bundee Sutteyandoo
3d Atchee Veeradoo

and

4th Dundagala Venkadoo

is sufficient to Convict them of the Crimes charged do Convict them thereof and Sentence the prisoners,

1st Tummeshetty Petchegandoo
2d Bundee Sutteyandoo

and

4th Dundagala Venkadoo

to be imprisoned and kept to hard labor in irons on the public roads or other public works for



for and during the period of (14) fourteen years and the prisoner

3d Atchee Veeradoo,

to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of (7) Seven years.

Case No. 63.
Mr. H. A. Morshead.

The Court of Foujdaree Adalut, on a deliberate Consideration of all the Circumstances of the Case in evidence before them, being of opinion that the prisoners,

1st Bundee Sutteyadoo

and

2d Malesetty Veerayah

are not Convicted on presumptive proof or on the evidence of Credible witnesses or on their own Confession of the Crime Charged do accordingly acquit them and direct that the prisoners,

2d Malesetty Veerayah

be set at liberty. The prisoner

1st Bundee Sutteyadoo

has been already sentenced in Case No. 62 on the Masulipatam Calendar for 1852.—

Case No. 66.
Mr. H. A. Morshead.

The Court of Foujdaree Adalut, on a deliberate Consideration of all the Circumstances of the Case in evidence before them, being of opinion that the proof against the

prisoner

prisoners,

1st Bundee Suttegadoo

and

2d Tummee alias Pitchegadoo

is sufficient to convict them of the Crimes charged, do convict them thereof, but having been already sentenced in Case No. 62 on the Masulipatam Calendar for 1852, no further Sentence is required to be passed upon them in this Case.—

(Sent in Nos

Dr 1852.

F. Co.

Tuesday 22d February 1853. } At a Court of the Foujdaree Udalut

Present

G. S. Hooper Esqure
W.A. Morehead Esqure
T.L. Strange Esqure
} Puisne Judges

Read again Letter dated the 27th November 1852 from the Agent to the Governor of Fort St George at Vizagapatam submitting for the final Orders of the Foujdaree Udalut a report of the trial of Cases Nos 20 and 21 of the file of this Court.

(Here Enter F. Co. No 2807 of 1852)

Read also Returns under date the 7th Ultimo and 1st Instant from the Agent at Vizagapatam to the precept of the Foujdaree Udalut calling for the Record of the foregoing Cases.—

(Here Enter F. Co. Nos 99 and 388 of 1853)

The Prisoners in these Cases have been tried for the offence of Gang-robbery, and the Agent being of opinion that the charge has been fully proved, suggests that they be each sentenced to 7 years imprisonment under Clauses 2d and 5th Section IV Regulation XV of 1803.—

Mr W.A. Morehead

The

2 The Court of Foujdaree Udalut concur in the conviction of the Prisoners

1st Gadasapoo Cristadoo

2d Garoogoobilly Vasuntoogaudoo

and

3d Garoogoobilly Yendoogaudoo

and accordingly resolve to sentence them to be imprisoned with hard labor each for a period of (7) Seven years, under the provisions of the Regulation above quoted.—

Ordered that Extract from these Proceedings be sent to the Agent at Vizagapatam for his information and guidance

(Sent in N°)

Read letter under date the 27th January 1853 from the Agent to the Governor in Vizagapatam.

(Here Enter F.U. N° 294 of 1853)

1 In his communication the Agent after offering some remarks upon the subject of a Prisoner's previous character and habits being justly taken into consideration when pronouncing sentence upon him, explains that the object of his reference under date the 23d December 1852, was "to be instructed whether a previous conviction of an offence less in degree than the one appearing in a present conviction was not to regulate in some degree the extent of punishment to be awarded, and if so in what manner the previous conviction was



was to be entered on the record as proved" observing that "the Court appeared to instruct him that in such a Case the prior conviction was not to form the subject of a separate Count in the indictment".

2 The Court of Foujdaree Udalut are of opinion that where the fact of a previous conviction such as is not of a character to form a Count in the indictment preferred against a Prisoner, may operate to prevent mitigation of his punishment that circumstance should be mentioned in the sentence passed upon him.—

Ordered that Extract from these Proceedings be forwarded to the Agent at Vizagapatam for his information.—

(Sent in N°)

Read letter under date the 31st January 1853 from the Subordinate Judge in charge of the Sessions Court of Rajahmundry reporting the re-apprehension of the Escaped Prisoner in Case N° 45 of 1852 on the Calendar.—

(Here Enter F.U. N° 345 of 1853)

1 The Subordinate Judge in charge in reporting the re-apprehension of the Prisoner referred to in his communication under date the 24th January 1853, states that "the two Peons suspected of culpable neglect of duty

are

are at present suspended and will probably be punished."—

2 The Court of Foujdaree Udalut have to point out to the Subordinate Judge in charge that his advertances to the facts of the Case are not intelligible without full particulars of the Case being first before them. These they will expect to be furnished with on the return of the Sessions Judge to his duties.—

3. The Court of Foujdaree Udalut have also to intimate that it will be requisite that a definite decision should be passed in regard to the prisons who were on guard over the escaped prisoner and which should be communicated to them in like manner.—

Ordered that Extract from these Proceedings be forwarded to the Subordinate Judge in charge of the Session Court of Rajahmundry by precept returnable within 4 Days from and after its receipt.—

(Sent following precept Nº )

Read Calendar of Case Nº 5 of 1853 of the Session Court of Combaconum.—

(Here Enter F. Uo. Nº 383 of 1853)

The Court of Foujdaree Udalut approve of the recommendation made by the



Sessions Judge in this Case that the imprisonment which the Prisoner noted in the margin — Lutchoomana: naick. — has been adjudged to suffer on his conviction of the Crime of Forgery be reduced to two years imprisonment with hard labor in irons, and they do authorize the Sessions Judge to issue his warrant accordingly.

Ordered that Extract from these Proceedings be forwarded to the Sessions Judge of Combaconum for his information.

(Sent in Nº )

Read letter under Date the 3d Instant from the Agent to the Governor of Fort St George at Vizagapatam forwarding for the final Orders of the Foujdaree Udalut a report of the trial of Case Nº 2 of 1853 on the file of his Court.—

(Here Enter F. Uo. Nº 387 of 1853)

Mr. T. L. Strange 1 The Prisoner in this Case has been tried for the offence of Wounding, and the Agent being of opinion that the charge has been fully proved, recommends that he be sentenced to 12 Months imprisonment under Clause Seventh Section VI Regulation XV of 1803.—

2 The Court of Foujdaree Udalut concur in the conviction of the Prisoner

F. U.

22d February 1853.

Prisoner

Cullapindy Paupiah

and sentence him to be imprisoned with hard labor in irons for a period of (12) twelve months, under the provisions of the Regulation above quoted.-

Ordered that Extract from these Proceedings be forwarded to the Agent at Vizagr. for Sentence for his information and guidance.-

(Sent in No. ) 5

J.T.

H.D.

F. U.

Wednesday the 23d February 1853 } At a Court of the Foujdaree Udalut

Present

J.S.H. — G. S. Hooper Esquire
H.A.M. — H. A. Morehead Esquire
W.L. — T. L. Strange Esquire
} Puisne Judges

Read letter dated the 15th Instant from the Sessions Judge of Vizagapatam submitting for the final judgment of the Foujdaree Udalut the record of Case No 6 of 1853, on the Calendar of the Sessions Court.

(Here enter F. U. No 498 of 1853)

The Court of Foujdaree Udalut, on a deliberate consideration of all the circumstances of the Case in evidence before them being of opinion that the proof against the prisoner

"Mootoo"

is sufficient to convict him of the crimes charged to convict him thereof, and sentence him to be transported to such place or places beyond Sea as the Governor in Council shall appoint, there to be imprisoned and kept to hard labor on the public roads or other public works for and during the period of his natural life.

(Sent in No. )

A.M. Morehead

Read

23d February 1853

Read Calendar of Cases Nº 3
of 1853 submitted by the Acting Sessions Judge
of Coimbatore under date the 28th Ultimo

(Hereunto F. Rs. Nº 287 of 1853)

Read Letter under date the 5th Ulto
-mo from the Sessions Judge of Rajahmundry —
submitting Copy of the Sessions Judges observa-
tions on the returns of the Magistrates Petty Calendars
for the 4th Quarter of 1852.

(Hereunto F. Rs. Nº 297 of 1853)

Read Letter under date the 29th
Ultimo from the Sessions Judge of Coimbatore
submitting Copies of a return made by the Magis-
trate of Coimbatore to a Precept issued to him
and of its accompaniments and as well as Copies
of his Proceedings dated 22nd and 24th Instant

(Hereunto F. Rs. Nº 301 of 1853)

Read Report dated the 1st Ultimo from
the Acting Sessions Judge of Chittoor, of Cases pend-
-ing for the month of January last.

(Hereunto F. Rs. Nº 353 of 1853)

Read Calendar of Cases Nº 4 of 1853
submitted by the Acting Sessions Judge of Cuddalore
under date the 11th Instant.

(Hereunto F. Rs. Nº 401 of 1853)

23d February 1853

Read return under date the
10th Instant from the Sessions Judge of Tinne-
-velly & Extract from Proceedings of the Court
of Nizamut Adawlut dated 5th February 1853
(Hereunto F. Rs. Nº 455 of 1853)

Rs 180.

F.I.

Thursday
24th February 1853 At a Court of the Sonjeeree Insaluk.

Present.

W.R. G.S. Hooper Esquire
Wm. W. A. Morehead Esquire — Puisne Judges
W. T.L. Strange Esquire

Read again Miscellaneous Petition presented on the 27th November 1852 by Parey Toomby Padiachy and another of Zillah Trichinopoly appealing against the sentence passed in Sessions case No 45 of 1852 on the file of the said Zillah

(Here Enter S.R. No 159 of 1852)

Read also petition dated 15th Instant from the Sessions Judge of Trichinopoly to the Receipt of the Sonjeeree Insaluk under date the 31st December 1852 calling for a report on certain of the allegations contained in the above Petition

(Here Enter S.R. No 435 of 1853)

W. T.L. Strange

On consideration of the grounds recorded for the conviction of the Prisoner who have been found guilty in the case under notice, together with the explanation afforded by the Sessions Judge, the Court of Sonjeeree Insaluk see no cause to question the justice of the Sentence

Sentence passed by the late Acting Sessions Judge, and therefore dismiss this Petition.

Ordered that Extract from these Proceedings be given to the Petitioner on his application.

Read Foujdaree Resultt Miscellaneous Petition presented on the 10th February 1853 by Lucka Nayamah of Zillah Cuddapah.

(Here Enter F R No 24 of 1853)

Mr. Lethange

1. The Petitioner represents that certain individuals whose names have stolen her property, and that on her complaining to the Magistrate the matter was referred for investigation to the Hamildar, but through bribery and corruption the offenders have been released.

2. The Court of Foujdaree Resultt are precluded from entering upon an Enquiry into the Petitioner's case as she does not appear to have made her representations to the local authorities.

Ordered that Extract from these Proceedings be granted to the Petitioner on her application.

Read Calendar of Case No 6 of 1853 on the file of the Sessions Court of Cuddapah.

(Here Enter F R No 382 of 1853)

The Court of Foujdaree Resultt



see reason to question the sufficiency of the evidence for the conviction of the 4th and 5th prisoners in this case and they accordingly resolve to direct that an English translation of the entire record may be submitted for their consideration

Ordered that Extract from these Proceedings be sent to the Sessions Judge of Cuddapah by Precept returnable in XV days from and after its receipt

(Sent following Precept No 11)

Read Calendar of Case No 1 (Pro 52) on the file of the Sessions Court of Chicacole.

(Here Enter F R No 392 of 1853)

In the indictment preferred against the prisoners in this case as recorded in the Calendar the 4th and 5th prisoners are charged "with having stamped the said Faker down on his neck and extracted four of his upper and two lower teeth, with a pair of pincers."

From the above wording of the charge, the Court of Foujdaree Resultt cannot but infer that the indictment has been drafted by a Native, they accordingly direct that the Calendar be returned to the Sessions Judge for amendment and that a corrected copy thereof be forwarded to the

to the Toujdaree Coautt.

3. At the conclusion of the sentence the words "in defaults of their procuring the said Security" have been omitted.-

Ordered that Extract from these Proceedings be sent to the Sepion Judge of Chicacole by precept returnable within V days from and after its receipt.-

Read letter under date the 10th Feburary 1853 from the Sepion Judge of Bellary.

(Here Enter Ft No 421 of 1853)

1. The Sepion Judge of Bellary requests this Court's instructions relative to the return of the proceedings of a Court martial which were forwarded to this Court in a Criminal case and which are now required by the Brigadier General Commanding the Division for submission to Army Head Quarters.-

2. The Court of Toujdaree Coautt authorize the Sepion Judge to return the Proceedings in question, directing him at the same time to retain a copy of the same authenticated with his signatures on the records of his Court.

Ordered that Extract from these Proceedings be sent to the Sepion Judge of Bellary for his information.

Extract in No. Read

Ft.

24th Feburary 1853

Read again Calendar of case No 46 of 1852 submitted by the Sepion Judge of Calicut.-

(Here Enter Ft No 2684 of 1852)

Read again also return under date the 27th November 1852 from the Sepion Judge of Calicut to the Precept of the Toujdaree Coautt under date 20th November 1852 conveying their preliminary orders on the foregoing case.-

(Here Enter Ft No 2808 of 1852)

Read also return under date the 22d January 1853 and Supplemental return under date the 5th Feburary 1853 from the Sepion Judge of Calicut to the precept of the Toujdaree Coautt directing the submission of an English Translations of the records of the foregoing case.-

(Here Enter Ft Nos 2294 & 387 of 1853)

1. On perusal of the records of this case the Court of Toujdaree Coautt are of opinion that the period of Imprisonment adjudged to the 1st 4th 5th and 6th prisoners may with propriety be reduced to five years and the Court direct that the Sepion Judge will issue his warrant accordingly.

2. The Court of Toujdaree Coautt consider the Evidence insufficient for the

Continued

conviction of the 2d and 3d prisoners the
Crumbly and cloth alleged to have been found
with them being clearly of such a description
as not to be capable of satisfactory identi-
fication and there being no other trustworthy
guidence in corroboration of the confession
they are stated to have made before the Police.

3. The Court of Tanjore recommends
accordingly direct that the 2d and 3d prisoners
be unconditionally released.

Ordered that Extract from
these Proceedings be sent to the Sessions
Judge of Calicut by precept returnable
within IV days from and after the receipt -
sent following Precept &c.

Read Calendar of cases Nos 67-68
69. 70. and 71 of 1852 of the Sessions Court of
Masulipatam -

(Here Enter F R No 2896 of 1852)

Read also return under date the
12th Instant from the Sessions Judge of
Masulipatam to the precept of the Tanjore
District Court conveying the observations and
orders of this Court on the above Calendar.

(Here Enter F R No 445 of 1853)

The Court of Tanjore Resolve
upon the recommendations made by
the Sessions Judges in these cases -

that



7th Loyah Venkatasamy
2d Toommala Venkata-
samy alias
Jamalapoory-
3d Pasoopoolatee
Venkatroyadoo.

that the imprisonment, which the pri-
-soners noted in the margin have been
adjudged to suffer on their conviction of
the crime of House breaking with theft
be reduced in the case of the 1st and 3d Prisoners
to 2 years, and in that of the 2d Prisoner
to three months imprisonment with
hard labor in irons, and they do authorize
the Sessions Judge to issue his warrant
accordingly -

Ordered that Extract from these
Proceedings be forwarded to the Sessions Judge
of Masulipatam for his information -

(Sent in No)

Read report dated 2d February
1853 submitted by the Sessions Judge of
Chicacole of cases pending on the 31st Decem-
-ber 1852, and committed for trial during
the months of January 1853.

(Here Enter F R No 367 of 1853)

Read statement dated 3d Instant
submitted by the Sessions Judge of Calicut
of Batta paid to Prosecutors and witnesses
attending before the Court of Sessions from
1st July to 31st December 1852 -

(Here Enter F R No 370 of 1853)

Read statement dated 3d Instant
submitted by the Sessions Judge of Calicut
requiring

required by C.R. of 1852 from 1st July to 31st December 1852.

(Here Enter F.R. No 371 of 1853)

Read letter dated 4th Instant from the Acting Sessions Judge of Mangalore forwarding the warrant and copy of the Acting Subordinate Judge's letter regarding the execution of Manea Rama Prisoner in case No 41 of 1852 on the Calendar.-

(Here Enter F.R. No 373 of 1853)

Read Convict Labor Report dated 1st January 1853 submitted by the Magistrate of Salem of the Gaol under discharge for the months of December 1852.

(Here Enter F.R. No 386 of 1853)

Read Criminal Report B dated 13th Instant submitted by the Acting Sessions Judge of Cuddalore for the month of January 1853.-

(Here Enter F.R. No 457 of 1853)

Read Criminal Report B dated 15th Instant submitted by the Sessions Judge of Calicut for the month of January 1853.-

(Here Enter F.R. No 489 of 1853)

24th Feb.



# F. C.

Monday — 28th February 1853. — At a Court of the Foujdaree Adalut

Present

Sir H. G. S. Hooper Esquire
The Hon'ble W. A. Morehead Esquire } Puisne Judges
H.M. T. L. Strange Esquire

Read Miscellaneous Petitions presented on the 7th Instant by Chinnamootoo Cattan and Mungammal of Zillah Trichinopoly

(Here enter F. Mo. P. Nos 21 and 22 of 1853.)

Mr G. S. Hooper. The object of the above Petitions is to endeavor the Court of Foujdaree Adalut to issue orders for the delivery to Mungammal of certain property taken from her husband Chinnamootoo Cattan, now a Convict in the Trichinopoly Jail, on the occasion of his trial in Case No 35 of the 1st Session of 1827 before the late Zillah Court of Combaconum.-

2. The Court of Foujdaree Adalut observe that from a return made by the Sessions Judge of Combaconum under date the 8th October 1851 it appears that no trace of any property belonging to the above Prisoner was to be discovered either in his Court, or in that of the Subordinate Judge or in the Session Court of Trichinopoly

nor

nor on an examination of the record of the trial do the Court find any thing to show that the property was found upon the Prisoner or given up by him; they are consequently led to conclude or that the claim preferred in the Petitions under notice are unfounded, and being satisfied that under any circumstances to pursue the enquiry further would be useless. the Court resolve to reject these Petitions.—

Ordered, that Extract from these Proceedings be furnished to the Petitioners on their application.—

Read report dated the 27th Ulto. from the Sessions Judge of Combaconum that the Magistrate has been instructed to cancel the sentence passed in Case No. 20 of 1852 of the Magistracy, and at the same time requests that, as he has some difficulty in reconciling this order with the construction of the Law in Circular Order No. 159, instructions of the Court to be furnished with whether the said construction ruled in the above order is to be held still in operation.—

(Here enter F. No. No. 245 of 1853)

Read Extract from the Proceedings of the Sessions Court of Combaconum dated 5th Instant soliciting the Judges to reconsider the construction of the Law as ruled in their Proceedings under date the 24th and 31st Ultimo (Para 5) which confines the Magistracy to the adjudication of cases of theft, in which the value of the property stolen does not exceed 50 Rupees.—

(Here enter F. No. No. 354 of 1853)

Read Extract from the Proceedings of the Sessions Court of Combaconum under date the 14th Current February 1853 submitting copy of a letter from the Magistrate of Tanjore requesting to know whether, with reference to para 6 of the Extract from the Proceedings of the Tanjore Court Adalut under date the 31st January last, a person convicted of embezzlement may be sentenced to corporal punishment as in ordinary theft.—

(Here enter F. No. No. 449 of 1853)

F. Co

Tuesday 1st March 1853 } At a Court of the Fouydaree Udalut

Present

G.S. Hooper Esquire
W.A. Morehead Esquire } Puisne Judges
T.L. Strange Esquire

Read Calendar in Case No 40 of 1853 received from the Acting Sessions Judge of Salem.

(Vide Rulings F. Co. No 461 of 1853)

1 The prisoner in this Case, a Battia Peon, was committed for trial before the Sessions Court on a charge of having fraudulently appropriated the Sum of Rupees 11. 14 Annas and has been sentenced by the Acting Sessions Judge to 6 Months imprisonment with hard labor in irons under Section IX Act XIII of 1850.

2 The Court of Fouydaree Udalut direct that an explanation may be submitted of the reason for this Case having been brought before the Sessions Court.

Ordered that Extract from these Proceedings be sent to the Sessions Judge of Salem by precept returnable within V days from and after its receipt.

(Sent following precpt. No )

1st March 1853.

Read Calendar in Case No 2 of 1853 forwarded by the Sessions Judge of Cuddapah.

(Here enter F. C. No 466 of 1853)

The Court of Foujdarie Udalut observing that the Prisoners in this Case were detained in the Talook from the 3d November to the 28th December 1852 direct the Sessions Judge to call upon the Magistrate to furnish an explanation of the cause of this detention.

Ordered that Extract from these Proceedings be sent to the Sessions Judge of Cuddapah by Precept returnable within V days from and after its receipt.

(Sent following Receipt No )

Read report of persons apprehended in the Zillah of Rajahmundry and delivered to the Criminal Judge in the Months of January 1853 received from the Subordinate Judge in charge.

(Here enter F. C. No 491 of 1853)

No 4 1 The Court of Foujdarie Udalut consider that the heading of the charge in this case should have been "Murder" and not "Culpable Homicide"

No 17. 2 The Prisoner stands charged in this case with having fraudulently obtained certain documents.

3 The Court of Foujdarie Udalut have

1st March 1853

to point out that the fraudulent means to which the Prisoner resorted in order to obtain possession of the documents in question, should have been set forth in the indictment.

Ordered that Extract from these Proceedings be sent to the Sessions Judge of Rajahmundry for his information and guidance.

(Sent in No )

Read Calendar of Case No IV of 1853 received from the Sessions Judge of Trichinopoly.

(Here enter F. C. No 492 of 1853)

1 The Prisoners in this Case having been committed for trial before the Sessions Court have been released from the Bar by the Sessions Judge who was of opinion after perusal of the evidence that it was wholly insufficient to convict them of the charge laid against them.

2 The Court of Foujdarie Udalut having had several Cases of a like kind before them wherein the Sessions Judge has pursued the same course, resolve to intimate to that Officer, that in all Cases where the point for consideration is the appreciation of the evidence, he must invariably proceed to trial in order to their disposal.

Ordered that Extract from these Proceedings be sent to the Sessions Judge of Trichinopoly for

for his information and guidance.

(Sent in No)

Read return under date the 27th January 1853 from the Sessions Judge of Combaconum to the precept of the Foujdaree Udalut under date 17th January 1853 calling for an explanation of the Miscellaneous Petition presented by Gungabogeyammal Mother of Lutchoomeesing 1st Prisoner in Sessions Case No 43 of 1853.

(Here enter F. No. No 231 of 1853)

Read return under date the 5th Ultimo from the Acting Sessions Judge of Salem to the precept of the Foujdaree Udalut under date the 31st January 1853 directing the Sessions Judge to review Case No 161 of 1852 on the file of the Criminal Court and report the result thereof.

(Here Enter F. No. No 343 of 1853)

Read Letter under date the 8th Ultimo from the Sessions Judge of Tinnevelly reporting the half yearly inspection for 1853 of the Convicts in the Gaundy Jail.

(Here enter F. No. No 378 of 1853)

Read Calendar of Case No of 1853 submitted by the Sessions Judge of Bellary under date the 5th Ultimo.

(Here enter F. No. No 389 of 1853)



Read Calendar of Case No 15 of 1853 submitted by the Sessions Judge of Bellary under date the 8th Ultimo.

(Here Enter F. No. No 390 of 1853)

Read Calendar of Case No 100 of 1852 submitted by the Sessions Judge of Chittoor under date the 21st August 1852.

(Here enter F. No. No 394 of 1853)

Read Calendar of Case No 47 of 1852 submitted by the Sessions Judge of Chittoor under date the 11th December 1852.

(Here Enter F. No. No 395 of 1853)

Read Calendars of Cases Nos 1 and 2 of 1853 submitted by the Sessions Judge of Honore under date the 3rd Ultimo.

(Here Enter F. No. No 396 of 1853)

Read Calendar of Case No 1 of 1853 submitted by the Sessions Judge of Madura under date the 8th Ultimo.

(Here Enter F. No. No 397 of 1853)

Read Criminal Reports under date the 31st January 1853 submitted by the Acting Sessions Judge of Salem for the Months of January 1853.

(Here Enter F. No. No 399 of 1853)

Jr 1854

F. H.

Wednesday 2nd March 1853 } At a Court of the Fouzdaree Adaulut.

Present

H.R. G. S. Hooper Esquire
H.M. W. A. Morshead Esquire } Puisne Judges
H.L. F. L. Strange Esquire

Read Calendar in Case No 5 of 1853 on the file of the Sessions Court of Cuddalore, received from the acting Sessions Judge -

/ Here Enter F. H. No 462 of 1853 /

1. The Prisoner stands charged in this Case with culpable Homicide, and has been released by the Acting Sessions Judge -

2. The Court of Fouzdaree Adaulut are unable to view the reasons assigned by the Acting Sessions Judge for acquitting the Prisoner of all blame, as at all satisfactory - They observe that from the abstract of the 7 witnesses' evidence before the Police and the Principal Sudr Ameen it is to be inferred that the body of the deceased bore marks of violence when

First

fresh scene by him, altho' the witnesses (who's not stated which) denied the fact before the Sessions Court. From the tenor of the evidence given before the Police and Criminal Court as to the acts committed by the Prisoner, the indictment should have been for "Murder" instead of "Culpable Homicide", and in the judgment of the Court he should at least have been punished for a violent assault.

3. The Court of Tanjore would have also to point out to the acting Sessions Judge that the Principal Sudr Ameen acted rightly in committing the case for trial, as required by Circular Order Tanjore Vadalut No. 2. dated 3d July 1834, the homicide in question having been beyond all doubt one of an illegal nature.

Ordered, that Extract from these Proceedings be forwarded to the Acting Sessions Judge of Cuddalore for his information.

/ Sent in No /

Read Daily Calendars of the Magistracy for the 3d Quarter of 1852 forwarded by the Sessions Judge



of Chingleput.

/ Fine Entry P.R. No 472 of 1853 /

The Court of Tanjore would have to point out that the circumstances constituting the grounds in this case should have been recorded in the charge.

Ordered, that Extract from these Proceedings be forwarded to the Sessions Judge of Chingleput for his information.

/ Sent in No /

Read Criminal reports for the month of January 1853 received from the Sessions Judge of Cuddapah.

/ Here Entry P.R. No 469 of 1853 /

Report B No 1.

With reference to the Sessions Judge's remark "noticed by the Sessions Judge on the 5th February 1853," the Court of Tanjore Vadalut observe that in the Calendar of this case (No 2 of 1853) the sentence of acquittal is dated 2d February 1853. They accordingly call upon the Sessions Judge to explain the discrepancy, and have to point out that no report

A has been submitted.

2. The Court of Tonjidaree Uddalut observe that altho' these cases are stated to have been "noticed" by the Sessions Judge, the report A has not been submitted. The Court have further to point out that the heading of the charge in case No 15 should have been Murder and not Homicide

Ordered, that Extract from these Proceedings be forwarded to the Sessions Judge of Cuddapah by speedy returnable in 7 days from and after its receipt.

/ Put following Precept No. /

Read Calendar of Cases Nos of 1853 received from the Sessions Judge of Honore.

/ Here Enter P.R. No 1481 of 1853 /

1. The Prisoner, who stood charged in this case with having attacked the Prosecutrix, maltreated, and robbed her of money, has been acquitted by the Sessions Court.

2. The Court of Tonjidaree Uddalut have to point out to the Sessions Judge, that



that the indictment should have set forth the particulars of the maltreatment charged to have been inflicted upon the Prosecutrix.

3. The Court of Tonjidaree Uddalut further observe, that the features of the case were such, as should have readily satisfied the Principal Sudr Ameen that the heinous crime charged, had not been perpetrated, and that his committal of the case to the Sessions Court, does not reflect credit on his judgment.

Ordered, that Extract from these Proceedings be forwarded to the Sessions Judge of Honore for his information.

/ Put in No /

Read Calendar of Cases Nos of 1853 of the Sessions Court of Madura.

/ Here Enter P.R. No 1479 of 1853 /

Curpan

The Court of Tonjidaree Uddalut approve of the recommendation made by the Sessions Judge in this case, that the imprisonment which the Prisoner noted in the margin has been adjudged to suffer on his conviction of the crime of Robbery by open violence with torture, and Poseessing stolen property

property, be reduced to five years imprison-
-ment with hard labor in irons, and they
do authorize the Sessions Judge to issue
his warrant accordingly.

Ordered, that Extract from
these Proceedings be forwarded to the
Sessions Judge of Madura for his infor-
mation.

/Sent in No/

Read Petty Calendars of
the Magistracy for the 4th Quarter of 1852,
forwarded by the Acting Sessions Judge
of Nellore.

/Here Enter F.H. No. 484 of 1853/

The Court of Foujdaree
Udalut direct that the names of the
Subordinate Magistrates by whom the
Criminal Cases are disposed of, be invariably
entered in future Calendars.

Ordered, that Extract from
these Proceedings be forwarded to the acting
Sessions Judge of Nellore, for his information
and guidance.

/Sent in No/

Read report of persons ap-
prehended in the zillah of Salem and
delivered



delivered to the Magistracy in the month of
January 1853, forwarded by the Sessions Judge
of Salem.

/Here Enter F.H. No. 486 of 1853/

The Court of Foujdaree
Udalut direct the acting Sessions Judge
to forward a Copy of the proceedings of this
Court referred to in the report under
notice.

Ordered, that Extract from
these Proceedings be forwarded to the
Sessions Judge of Salem by precept
returnable within V days from and
after its receipt.

/Sent following Precept No/

Read again Calendar of
Criminal Case No 16 of 1852, from the
Sessions Judge of Chicacole.

/Here Enter F.H. No 101 of 1853/

Read also return to this
Courts Precept under date the 31 Janu-
-ary 1853, from the Sessions Judge of
Chicacole.

/Here Enter F.H. No. 471 of 1853/

The Court of Foujdaree
Udalut seeing reasons to direct

the

the sufficiency of the grounds of conviction in this case, direct the Sessions Judge to forward a Translation of the record thereof.

Ordered, that Extract from these Proceedings be forwarded to the Sessions Judge of Chicacole, by Receipt returnable in XV days from and after its receipt.

/ Sent following Receipt Rs. /

Read letter dated 18 February 1853 from the Sessions Judge of Cuddapah, submitting for the final Judgment of the Zonjdaree Adaulut the Record of Case No 36. of 1852 of the Calendar of the Sessions Court.

/ Here Enter No 507 of 1853 /

Messrs G.S. Cooper
T.L. Strange

The Court of Zonjdaree Adaulut, on a deliberate consideration of all the circumstances of the case in evidence before them, being of opinion that the proof against the prisoner,

1st T. Venkatramoodoo

is sufficient to convict him of the crime of Murder, do convict him thereof, and under the provisions of Section X Regulation



Regulation VIII of 1802, sentence him to suffer death by being hanged at the usual time and place of execution.

The Court of Zonjdaree Adaulut being further of opinion that the prisoners

2d C. Chenzadoo

and

3d Lutchmaiah

are not convicted on presumptive proof, or on the evidence of credible witnesses, or on their own confession of the above crime, do acquit them thereof, and direct that the prisoner

3d Lutchmaiah

be set at Liberty. But considering that strong suspicion, tho not amounting to conviction, attaches to the prisoner,

2d C. Chenzadoo

they direct that he be required under clause sixth Section II Regulation XV of 1803, to find two sureties in the sum of Rupees Twenty five each surety, for his good behaviour and appearance when required within three years, or in default thereof he be detained for three years in confinement.

The

D° March 1853.

1 The Court of Fouzdaree Udalut do not consider the confessions alleged to have been made by the 2nd prisoner in this Case before the Head of District Police sufficiently corroborated to justify his full conviction of the crime laid to his charge, but being of opinion that strong suspicion attaches to him they have placed him under a requisition of Security.

2 The Court have directed the unconditional release of the 3d prisoner seeing no reason to believe that she was in any way a party to the murder. It was competent to the Sessions Judge to make the requisition of Security in her case recommended by him in his letter of reference, but it is to be inferred from the remarks recorded by him on the Calendar, that at the close of the trial, he considered the evidence insufficient to convict her as an accessory after the fact, and altered his mind previous to despatching the record.

The

D° March 1853.

3 The Court of Fouzdaree Udalut require an explanation of the protracted delay which has occurred in the transmission of the record of this case, the trial of which was closed on the 24th July last, after which exactly seven months elapsed before the record was received in the Court of Fouzdaree Udalut.

Ordered that Extract from these Proceedings be forwarded to the Sessions Judge of Cuddapah by precept returnable within V days from and after its receipt.

Dant following Precept D°

Ex
1853

F. Ub.

Thursday 3rd March 1853. At a Court of the Fouzdaree Udalut

Present

Sgd R. G. S. Hooper Esqr. ____ 1st Puisne Judge

Sgd W. A. Morehead Esqr. ____ 2d Puisne Judge

Sgd T. L. Strange Esqr. ____ 3d Puisne Judge

---

Read Miscellaneous Petition presented on the 21st February 1853 by Ramaswamy of Zillah Combaconum

(Here enter F. M. P. No 27 of 1853)

Mr. R. A. Morehead for the Petitioner refers to his former Petition presented on the 4th January and to this Courts order thereon under date the 3d February 1853, and prays that the records of the Criminal Case in which his brother has been convicted, may be perused and his brother released

2 The Court of Fouzdaree Udalut see no grounds for complying with the Petitioners request.

This Petition is therefore rejected.

Ordered that & extract from these Proceedings be given to the Petitioner on his application.

Read

Read letter under date the 11th February 1853 from the Session Judge of Honore

(Here enter F 26. No 469 of 1853)

1

The Session Judge reports that the final orders of this Court in Case No 8 on the Calendar of the Session Court for 1852 have not been communicated.

2

The Court of Fouzdaree Adalut direct that a copy of this Courts proceedings under date the 13th November 1852 be forwarded to the Session Judge for his information.

3

In the 5th Para of his further return to this Courts precept under date the 21st June 1852, the late Acting Session Judge requested this Courts instructions regarding the disposal of certain property which was found both in the house and on the person of the Prisoner in the case under notice

4

The Court of Fouzdaree Adalut observe that no sentence was passed against the Prisoner under the provisions of Section 5 Act XX of 1850, and consequently the property in question must be returned to him.

Ordered that Extract from these Proceedings be forwarded to the Session Judge of Honore for his information.

(Sent in No

Read



Read letter dated the 14th February 1853 from the Acting Superintendent of Government Roads Cyundy, forwarding a Medical Certificate for the removal of Convict Appeiah to Chingleput

(Here enter F 26. No 420 of 1853)

Read Calendars of Cases No 12 & 14 of 1853, submitted by the Session Judge of Bellary under date the 10th February 1853.

(Here enter F 26. No 422 and 423 / 1853)

Read Calendars of Cases No 2 and 3 of 1853 submitted by the Session Judge of Madura under date the 11th February 1853)

(Here enter F 26. No 429 and 430 / 1853)

Read Calendar of Case No 2 of 1853, submitted by the Session Judge of Tellicherry under date the 10th February 1853.

(Here enter F 26. No 432 of 1853)

Read return dated the 10th February 1853 from the Session Judge of Tellicherry to the precept of the Fouzdaree Adalut under date the 3rd January 1853 directing him to call upon the Head of Police of Wynaad to account for the delay in recording the statements of the Prisoners in Case No 12 of 1853.

(Here enter F 26. No 433 of 1853)

Read

3d March 1853

Read Criminal Report dated 15th February 1853, submitted by the Session Judge of Chingleput for the month of January 1853.

(Here enter F 26 N° 446 of 1853)

Read Calendar of Cases N° 1 of 1853 submitted by the Session Judges of Cuddapah under date the 14th February 1853.

(Here enter F 26 N° 450 of 1853)

Read Criminal Reports B. dated 12th February 1853 submitted by the Session Judge of Madura for the month of January 1853

(Here enter F 26 N° 453 of 1853)

Read Criminal Reports B dated 8th February 1853, submitted by the Session Judge of Tellicherry for the month of January 1853

(Here enter F 26 N° 454 of 1853)

Read Criminal Reports B dated 31st January 1853, submitted by the Session Judge of Chingleput for the month of January 1853.

(Here enter F 26 N° 456 of 1853)

Read Criminal Reports dated the 14th February 1853 submitted by the Session Judge of Guntoor for the months of December 1852 & January 1853.

(Here enter F 26 N° 458 of 1853)

Ds 18d.

F 26

Saturday 5th March 1853.

At a Court of the Foujdaree Udalut

Present

G. F. Cooper Esqre — Puisne Judge

W. A. Morehead Esqre — Puisne Judge

T. L. Strange Esqre — Puisne Judge

---

Read report of persons appre-hended in the separate tracts of Vizagapatam and delivered to the Agency in the month of January 1853.

(Here enter F 26 N° 501 of 1853)

N° 77.

1 The Prisoner stood charged in this Case with severe assault in having severely beaten the Prosecutrix with a cudjel and forcibly taken from her person certain property; and has been sentenced to 6 months imprisonment with hard labor under Section VII Regulation X of 1816

2 The Court of Foujdaree Udalut remark that the crime which the Prisoner appears to have committed was clearly one coming under the definition of "Robbery by open violence" under Clause first Section VIII Regulation XI of 1803, and was not punishable under the Regulation above

above quoted.

3 The Prisoner should have been committed for trial before the Agent and if convicted of the acts charged against him, should have been punished by that Officer under Clause third Section xx Regulation xx of 1803, or recommended for mitigation if the punishment therein prescribed was deemed too severe.

Ordered that Extract from these Proceedings be forwarded to the Agent to the Governor at Vizagapatam for his information

(Sent in No

Read letter under date the 5th April 1853 from the Session Judge of Cuddapah

(Herewith T. C. No. 812 of 1853)

1. The foregoing letter has adverted to certain prisoners in a case set down for reference to the Court of Foujdaree Udalut who have been acquitted by the Session Judge in concurrence with his Mahomedan Law Officer but have been included in the reference, the Session Judge being of opinion that strong suspicion attaches to them and that they should be accordingly held to security.

2 The Session Judge desires to be informed whether under the circumstance of the case



case having been set down for reference as regards all the prisoners it is necessary that the prisoners alluded to should be detained in Jail pending the final disposal of the case by the Foujdaree Udalut or whether it is competent to him to order their release on security.

3. The Session Judge would appear to have overlooked the rule laid down in Circular Order No 47 wherein it is expressly declared that it "is competent to a Session "Judge to direct the release on security of "prisoners acquitted in a trial though that trial "may be referred to the Foujdaree Udalut for "sentence or other prisoners therein concerned." and the Court of Foujdaree Udalut do not consider that the fact of the prisoners in question having been erroneously included among those regarding whom the trial has been set down for reference to the Foujdaree Udalut as in any way necessitating the reference of their case to the Foujdaree Udalut.

Ordered that Extract from these Proceedings be forwarded to the Session Judge of Cuddapah for his information.

(Sent in No

Read

5th March 1853.

Read Calendar of Case No 180 of 1853 submitted by the Session Judge of Bellary under date the 16th February 1853.

(Here enter F. P. No 470 of 1853)

Read Criminal Reports B dated 1st February 1853 submitted by the Session Judge of Chittoor for the month of January 1853.

(Here enter F. P. No 474 of 1853)

Read Statement dated 18th February 1853 submitted by the Session Judge of Chittoor, of Batta paid to the Prosecutors and Witnesses who have attended before the Session Court from 1st July to 31st December 1852.

(Here enter F. P. No 475 of 1853)

Read Calendar of Case No 25 of 1852 submitted by the Session Judge of Chittoor under date the 26th June 1852.

(Here enter F. P. No 476 of 1853)

Read Calendar of Case No 6 of 1853 submitted by the Session Judge of Combaconum under date the 17th February 1853.

(Here enter F. P. No 480 of 1853)

Read return dated the 12th February 1853 from the Session Judge of Karoor to the precept of the Tahsildar of Udalur under date the 31st January 1853.



F. P.

5th March 1853.

calling on him to explain in what respect the Prisoner in Case No 93 of 1852 on the file of the Principal Sudr Ameen fraudulently received the property therein mentioned.

(Here enter F. P. No 482 of 1853)

Read return dated the 17th February 1853 from the Session Judge of Trichinopoly to the precept of the Tahsildar of Udalur under date the 12th February 1853, observing that it was not apparent that Case No 1 of 1853 on the Session Court file was one of "House breaking" as the charge does not shew in what way the Prosecutrix house was entered.

(Here enter F. P. No 487 of 1853)

Read Criminal Reports B dated 15th February 1853 submitted by the Session Judge of Trichinopoly for the month of January 1853.

(Here enter F. P. No 488 of 1853)

Read return dated the 19th February 1853 from the Acting Session Judge of Cuddalore to the precept of the Tahsildar of Udalur under date the 14th February 1853 calling for a full explanation in a Conjuring Case disposed of by the Magistracy.

(Here enter F. P. No 490

5th March 1853

Read Criminal Report A.

dated 19th February 1853 submitted by the Session Judge of Cuntoor for the month of February 1853.

(Here enter F. D. No. 495 of 1853)

Read Paumben Jail Report dated 31st January 1853, submitted by the Session Judge of Madura for the month of December 1852

(Here enter F. D. No. 497 of 1853)

Read letter dated the 18th February 1853 from the Session Judge of Tinnevelly, forwarding copy of an Extract from the Proceedings of the Sessions Court under date 22d September 1852 on review of the monthly reports of the Native Police Officers for the 1st half year of 1852.

(Here enter F. D. No. 499 of 1853)

2d 18 D.

F. D.

Monday 7th March 1853 } At a Court of the Foujdaree Adalut.

Present.

The Hon'ble G. S. Hooper Esquire
W. A. Morehead Esquire } Puisne Judges.
T. L. Strange Esquire

Read Criminal Reports submitted by the Sessions Judge of Mangalore for the month of January 1853.

(Here enter F. D. No. 439 of 1853)

case No. 6 The Court of Foujdaree Adalut direct that the Sessions Judge will review the proceedings in this case, the sentence appearing to be unnecessarily severe.

Ordered that Extract from these Proceedings be forwarded to the Sessions Judge of Mangalore by Precept returnable within X days from and after its receipt.

(Sent following Precept No. )

Read Calendar of Cases Nos 3 and 4 of 1853 on the file of the Sessions Court

7th March 1853

Court of Guntoor.

(Here enter F. U. No. 438 of 1853)

Case No. 3

The Court of Foujdaree Udalut desire to be informed whether the attention of the Acting Magistrate has been directed to the circumstance of an erroneous date having presumedly been affixed to the report submitted in this case by the Village Police.

Ordered that Extract from these Proceedings be forwarded to the Sessions Judge of Guntoor, by Precept returnable within 7 days from and after its receipt.

(Sent following Precept No. )

Read letter under date the 18th February 1853 from the Sessions Judge of Chittoor.

(Here enter F. U. No. 474 of 1853)

1 In the foregoing letter the Sessions Judge reports his having inspected the Gang of convicts employed under the charge of the Head Assistant Magistrate at Vellore - and expresses his opinion that their present number, 220, should be diminished on account of the closeness of the Cells.

The

7th March 1853 2

The Court of Foujdaree Udalut deem it desirable to have the opinion of a Medical Officer upon the capabilities of the Jail at Vellore, which the Sessions Judge will be pleased to obtain through the Magistrate.

Ordered that Extract from these Proceedings be forwarded to the Sessions Judge of Chittoor by Precept returnable within 7 days from and after its receipt.

(Sent following Precept No. )

Read Miscellaneous Petition presented on the 10th February 1853 by Coopoosamier of Zillah Tinnevelly.

(Here enter F. M. P. No. 23 of 1853)

M. T. L. Steuart 1 The Petitioner refers to former Petitions presented by him and solicits enquiry into his case and a favorable order.

2 The Court of Foujdaree Udalut refer the Petitioner to their order passed on Miscellaneous Petition No. 166 of 1852 on the 24th January last.

7th March 1853

last: and caution the Petitioner against re=
newing his representations on the subject
of his case to this Court.

Ordered that Extract from
these Proceedings be furnished to Petitioner
on his application.

Read Miscellaneous Petition
presented on the 3rd January 1852 by
Mustapha Ally Khan, Vakeel on behalf
of Mahomed Khassim and 24 others of the
Zillah of Rajahmundry

(Here enter F. Gr. P. No 6 of 1853)

W. J. L. Stuart 1 The Petitioners pray the Court
of Foujdaree Adalut to issue orders pro=
hibiting the celebration of the Hindoo
Festivals whenever they may occur simul=
taneously with the Mohorum or Pirla Feast.

2 The Court of Foujdaree Adalut
observe that the orders appealed from; passed
by the Magistrate and Sessions Judge un=
der dates the 12th and 16th October 1852 in
the matter which forms the subject of this
Petition, are in maintenance of the stand=
ing usage in the District, as prescribed by
a

F. U.

7th March 1853

a Proclamation issued in 1820 by the then
Magistrate, and are also in entire conform=
ity with equity and the principles of the
British Government.

3 The Court therefore see no
grounds for interfering with these orders,
and resolve to dismiss this Petition.

Ordered that Extract from
these Proceedings be furnished to the Pe=
titioner's Vakeel on his application.

Read Criminal Reports for
the Month of January 1853 received from
the Acting Sessions Judge of Nellore.

(Here enter F. U. No 485 of 1853)

Report A
No 80 of 1852

1 The Prisoner who was charged
in this case with "Housebreaking and at=
tempt at theft," is described to have opened
the door fastened to the gate of the Prosecu=
tor's house and so entered it: and having
been sentenced by the Principal Sudder
Ameen to 7 months imprisonment with
hard labour in irons, has had his sentence
reduced to one of 3 months by the Acting
Sessions Judge.

7th March 1853

2 The Court of Foujdaree Udalut remark that the charge as above recorded is defective, as it does not describe in what particular way the door was opened by means of which entry into the Prosecutor's house was effected.

3 The Court do not consider a sentence of 7 months imprisonment too severe a punishment to adjudge for the crime of house-breaking, but in the case under notice it appears doubtful whether such a crime has been committed.

4 The only evidence connected with the manner of the entry is that of the Prosecutor which is to the effect that the door was closed by him when he retired for the night.

5 It is not shown that it was in this state when the Prisoner effected his entry and it might very easily have been opened by the wind or other accidental cause.

Report B
No. 4 of 1852

6 The heading of the charge in this case should have been "Murder" instead of

7th March 1853

of "Poisoning," the Prisoner having been indicted for having caused the death of the Prosecutor's younger brother by administering poison to him.

Ordered that Extract from these Proceedings be forwarded to the Acting Sessions Judge of Nellore for his information.

(Sent in No.)

Read Calendars of Petty Cases disposed of by the Magistracy of Malabar during the 3rd quarter of 1852.

(Here enter R. C. No. 407 of 1853)

Calendar of Persons punished Case No. 145

1 The Prisoner in this case was charged with having opposed a Police Order directing that a water course through a Paramba which had been filled up by the Prisoner should be reopened, and on conviction was sentenced to pay a fine of Rupees 5 — commutable to 10 days Imprisonment.

2 The Court of Foujdaree Udalut are of opinion that it was not competent to the Magistrate to issue an order of the nature of that referred to and they accordingly direct

7th March 1853.

direct that the fine imposed in this case if paid be remitted.

Cases Nos 165 and 168

3 The Court of Foujdaree Udalut further direct that the fines imposed in these cases be remitted if paid.

4 In the former case the offence which formed the subject of the false complaint the Prisoner is alleged to have made was not of the nature of those punishable under Sections XXXII and XXXIII Regulation IX of 1816, and the false complaint therefore was not cognizable by the Magistracy.

5 In the latter case the Prisoner was charged with having refused to accompany certain Peons deputed to arrest him on a charge of Assault.

6 It is to be inferred from the wording of the charge that the Peon was furnished only with a Summons, the refusal to obey which does not constitute an offence punishable by law, it being competent to the Magistracy upon the refusal of the accused to obey such summons to issue a warrant for his apprehension

which

F. C.

7th March 1853

which the Police Authorities should have had full power to enforce.

Ordered that Extract from these Proceedings be forwarded to the Session Judge of Calicut by Precept returnable within X days from and after its receipt.

(Sent following Precept &c.)

Read Calendars of Cases Nos 15, 16, and 17 of 1853 on the file of the Session Court of Bellary.

(Here enter F.C. No. 437 of 1853)

1 The foregoing cases on the first of which the Prisoners were charged with "housebreaking and theft" in having broken open the lock on the door of the Prosecutors poultry room and having stolen therefrom two ducks, one turkey, and a padlock to the aggregate value of Rupees 3, while in the other two cases they were charged with simple theft, were committed for trial before the Session Court under the provisions of Clause Second Section II Regulation VI

of

of 1822 on the ground of the 1st Prisoner having been on a former occasion convicted of an heinous offence and of the theft charged in case No. 15 having been attended with housebreaking.

2 The Sessions Judge adverting to the definition of Housebreaking or Burglary as laid down in 7 and 8 George 4th Cap. 29 Section 13 has pronounced the offence charged in Case No. 15 not to amount to Housebreaking and has accordingly remanded the cases for trial by the Subordinate Criminal Court.

3 The Court of Foujdaree Adalut are of opinion that the Sessions Judge was in error in remanding the foregoing cases: the definition of housebreaking as given in Section II Regulation VI of 1822 which the Sessions Judge was bound to follow rendering the breaking into any building or place used for the custody or preservation of property punishable as Housebreaking

4 In Case No. 15 a building of this description is alleged to have been broken into



and the Court of Foujdaree Adalut consider therefore that the three cases were clearly beyond the jurisdiction of the Subordinate Criminal Court and they resolve to direct that the said Cases be called up and tried by the Sessions Judge.

Ordered that Extract from these Proceedings be forwarded to the Sessions Judge of Bellary by Precept returnable within X days from and after its receipt.

(Sent following Precept No.

Read Miscellaneous Petition presented to Government by Seetamah of Nellore and forwarded to this Court on the 22nd February 1853 for disposal and report.

(Here enter P. C. No. 375 of 1853)

The Court of Foujdaree Adalut resolve to forward the* foregoing petition with translation to the Acting Sessions Judge of Nellore with instructions to furnish an explanation of the statements therein set forth and if necessary, to call upon the Magistrate for the same.

Ordered

* both to be returned.

7 March 1853.

these Proceedings be sent to the Sessions Judge of Rajahmundry for his information.

(Sent in No )

Ordered also that Extract from these Proceedings be granted to Petitioner and Counter-Petitioners Vakeel on their application.

8d 1/0d.



T. Uo.

Tuesday 8th March 1853. 3 At a Court of the Tanjadore Udalut

Present.

The Hon'ble G. S. Hooper Esqr.
W. A. Morehead Esqr.
T. L. Strange Esqr.
} Puisne Judges

Read Calendars of petty Cases disposed of by the Magistracy of Tanjore during the 4th Quarter 1852.

(Here enter T. Uo. No 409 of 1853)

The names of the Subordinate Magistrate by whom the Cases entered in the Petty Calendars are disposed should be invariably stated in the report of each case.

Ordered that Extract from these proceedings be sent to the Sessions Judge of Combaconum for communication to the Magistrate of Tanjore.

(Sent in No )

Read again Criminal Reports submitted by the Sessions Judge of Combaconum for the Months of December 1852.

(Here enter T. Uo. No 414 of 1853)

Read

Read also returns under date the 8th February 1853 from the Sessions Judge of Combaconum in the precept of the Foujdaree Udalut dated the 30th January 1853 conveying their order on the foregoing Criminal Reports.

(Here enter F. Uc. No. 384 of 1853)

Under the explanation submitted in the foregoing return the Court of Foujdaree Udalut will not interfere with the sentence passed therein which in the report of the case was erroneously stated to be a sentence of 19 months imprisonment whereas it appears that the period of imprisonment adjudged was only nine months.

Ordered that Extract from these Proceedings be sent to the Sessions Judge of Combaconum for his information

(Sent in No )

Read Criminal Reports submitted by the Sessions Judge of Tanjore for the Month of January 1853.

(Here enter F. Uc. No. 396 of 1853)

Case 376.

The Prisoners in this Case have been committed for trial before the Principal Sudr



Sudr Ameen charged with having refused to give evidence before the Serishtadar and Police Ameen of Anbala with reference to a charge of assault in support of which they were called upon to depose.

2 The act charged against the prisoners was clearly not of a nature to justify a Criminal prosecution and the Court of Foujdaree Udalut resolve to direct the immediate discharge of the prisoners if it has not been already ordered.

3 The Court require to be informed for what number of days the prisoners may have been detained in Jail and for what reason they were not immediately discharged by the Principal Sudr Ameen upon being forwarded to his Court for trial.

Ordered that Extract from these Proceedings be sent to the Sessions Judge of Tanjore by Precept returnable within V days from and after its receipt.

(Sent following Precept No )

Read report of persons apprehended in the Zillah of Canara and delivered to the Magistracy

Magistracy in the Month of January 1853 received from the Sessions Judge of Mangalore.

(Here enter F. No. 529 of 1853)

1 The Prisoner was Charged in the Case entered in this report with having stolen from a room in the prosecutor's house, property valued at Rupees 2-6-11 and has been sentenced under Section VIII Regulation X of 1816 to two Months imprisonment without irons.

2 The Court of Foujdaree Udalut desire to be informed whether the Extended powers conferred upon the Magistrate by Section XIV Act VII of 1843 were called into exercise for the disposal of this Case.

Ordered that Extract from these Proceedings be sent to the Sessions Judge of Mangalore by Precept returnable within 5 days from and after its receipt.

(Sent following Precept No.)

Read Calendars of Cases Nos. 61 of 1852 and 1 of 1853 Submitted by the Sessions Judge of Calicut under dates the 18th & 19th February 1853.

(Here enter F. No. 503 and 504 of 1853)

Read Calendar of Case No. 7 of 1853

8th March 1853.

Submitted by the Sessions Judge of Combaconum under date the 21st February 1853.

(Here enter F. No. 506 of 1853)

Read report dated 21st Ultimo

Submitted by the Sessions Judge of Madura of Convicts Labor of Paumbem Jail for the Month of Jany. 1853.

(Here enter F. No. 509 of 1853)

Read Jail report dated 23d Ultimo

Submitted by the Sessions Judge of Combaconum for the Months of January 1853.

(Here enter F. No. 518 of 1853)

Read Calendar of Case No. 6 of 1853

Submitted by the Acting Sessions Judge of Cuddalore under date the 24th February 1853.

(Here enter F. No. 519 of 1853)

Do. No.

F. C.

Wednesday 9th March 1853 } At a Court of the Foujdaree Udalut

Present

Hon'ble G. S. Hoopen Esqr. — Puisne Judges
Hon'ble W. A. Morehead Esqr. — Puisne Judges
Hon'ble T. L. Strange Esqr. — Puisne Judges

Read Calendars of petty Cases disposed of by the Magistracy of Madura during the 4th Quarter of 1852.

(Here enter F. C. No. 402 of 1853)

Calendar of Cases furnished. Case No. 51.

The Court of Foujdaree Udalut require explanation with reference to the nature of the Contempt of Court Committed by the prisoner in this Case, the acts Charged as stated in the Charge not appearing to the Court to bring the Case within the provisions of act XXX of 1841.

Calendar of persons discharged Case No. 71.

2 The whole of the proceedings in this Case appear to have been extremely irregular and the lengthened detention of the accused most unwarranted.

The Court of Foujdaree Udalut require to be informed upon what grounds the Joint Magistrate considered himself justified in Calling up the Case after a summary Examination by the

Read

Head of Police had failed to elicit any evidence for the Conviction of the accused.

3 The names of the Subordinate Officers of the Magistracy by whom the Cases entered in the petty Calendars are disposed of should be invariably stated in the report of each case.

Ordered that Extract from these Proceedings be sent to the Sessions Judge of Madura for Communication to the Magistrate by Precept returnable within XV days from and after its receipt.

( Sent in the following Precept &c. )

Read Calendar of Case N°III of 1853 on the file of the Sessions Court of Trichinopoly.

( Vide order N° 136 of 1853 )

1 The prisoner in this case was charged with Child stealing, and the Sessions Judge being of opinion that the case had been Committed on insufficient grounds, the evidence being such as to afford no probability of a Conviction has released the prisoner without trial, quoting the Circular Order of the Foujdaree Adalut under date the 26th November 1851 as the authority for the Course adopted by



him.

2 It appears to the Court of Foujdaree Adalut from a perusal of the abstract of the evidence in this case as recorded in the Calendar that the evidence was sufficient to justify the Commitment of the prisoner, and they deem it proper to point out for the future guidance of the Sessions Judge that since the date of the Circular Order quoted by him a considerable change has taken place in the mode of Conducting Criminal trials, the grounds required according to Section XXIX act VII of 1843 to justify the Commitment of a Case for trial before a Court of Sessions being much slighter than those prescribed previous to the introduction of the present judicial System.

Ordered that Extract from these Proceedings be sent to the Sessions Judge of Trichinopoly for his information and guidance.

( Sent in N° )

Read again letter under date the 18th January 1853 from the Sessions Judge of Madura forwarding an English translation of the record

of

of Case No. 1 of 1852 on the Calendar of the Sessions Court for the final judgment of the Foujdaree Adalut

(Here enter F. Co. No. 71 of 1853)

Read also letter under date the 16th February 1853 from the Sessions Judge of Madura

(Here enter F. Co. No. 1780 of 1853)

1 The Court of Foujdaree Adalut have much satisfaction in learning that the Sessions Judge is able so fully and explicitly to disavow the meaning which the observations recorded by him at the conclusion of his letter of the 18th January last appeared to the Court designed to convey.

2 The Court of Foujdaree Adalut are prepared to give the Sessions Judge full credit for the sentiments expressed by him in the latter of the two letters above recorded.

Ordered that Extracts from these Proceedings be sent to the Sessions Judge of Madura for his information.

(Sent in No. )

Read Calendar of Case No. 20 of 1853

of



of the Sessions Court of Bellary.

(Here enter F. Co. No. 516 of 1853)

The Court of Foujdaree Adalut

Sepd approve of the recommendation made by the Sessions Judge in this case that the imprisonment, which the prisoner noted in the margin has been adjudged to suffer on his conviction of the crime of theft be reduced to one year's imprisonment with hard labor in irons, and they do authorize the Sessions Judge to issue his warrant accordingly.

Ordered that Extracts from these proceedings be forwarded to the Sessions Judge of Bellary for his information.

(Sent in No. )

Read again Calendar of Case No. 50 of 1852 on the file of the Sessions Court of Cuddapah

(Here enter F. Co. No. 2907 of 1852)

Read also returns under date the 25th January 1853, and supplemental return under date the 18th February 1853 from the Sessions Judge of Cuddapah to the precepts of the Foujdaree Adalut dated the 4th January 1853 calling for an English Translation of a portion of the record of the foregoing Case.

(Here enter F. Co. No. 249 & 502 of 1853.

The

The Court of Tanjore Udalut

approve of the recommendation made by the Sessions Judge in this case that the period of imprisonment awarded to the 2d 4th 5th and 6th prisoners be mitigated to ten years and they authorize the Sessions Judge to issue his warrant accordingly.-

Ordered that Extract from these proceedings be sent to the Sessions Judge of Salem for his information.

( Sentence No )

Read report dated 17th Ultimo from the Subordinate Judge in charge of the Sessions Court of Rajahmundry of the labour of convicts in the Jail at Cocanada under charge of Magistrate for the Month of January 1853

( Here enter F. Co. No 522 of 1853 )

Read return dated 21st Ultimo from the Sessions Judge of Masulipatam to the Precept of the Tanjore Udalut under date the 12th February 1853 Communicating their observations and orders upon Case No 820 of 1852 on the Criminal Reports of this Zillah for the Month of December 1852.

( Here enter F. Co. No 530 of 1853 )

Read



Read return dated 31st Ultimo from the Sessions Judge of Mangalore to the precept of the Tanjore Udalut under date the 31st January 1853 calling upon the Magistrate for explanation of the mode of ill treatment and the amount of injury inflicted by the assault in the Case noted in the Report B submitted from the Month of December 1852.

( Here enter F. Co. No 533 of 1853 )

Read Calendar of Case No 21 of 1833 Submitted by the Sessions Judge of Bellary under date the 23d Ultimo.

( Here enter F. Co. No 535 of 1853 )

( Read Calendar of Case No 98 of 1852 Submitted by the Sessions Judge of Masulipatam under date the 22d Ultimo.

( Here enter F. Co. No 536 of 1853 )

Ed 18 d.

F.C.

Thursday 10th March 1853 } At a Court of the Foujdaree Udalut

Present

G. S. Cooper Esquire
W. A. Morehead Esquire } Puisne Judges
T. L. Strange Esquire

Read letter under date the 24th February 1853 from the Sessions Judge of Masulipatam forwarding English Translation of the record of Case No 83 of 1852 on the Calendar of the Sessions Court, for the final Judgment of the Court of Foujdaree Udalut --

(Here Enter F.C. No 568 of 1853)

Mr. T. L. Strange. The Court of Foujdaree Udalut on a deliberate consideration of all the circumstances of the Case in evidence before them being of opinion that the Prisoners

"1st Colapully Janardanavadoc"

and

"2nd Boraguddah Chalamiah"

are not convicted on presumptive proof or on the evidence of credible witnesses, or on their own confession of the crime charged, do acquit them thereof, and direct that they

they be set at liberty.

/Sent in./

Read Miscellaneous Petition presented on the 28th February 1853 by Verasawmy Sepoy in the 6th Company, 51st Regiment Native Infantry at Vellore.

/Here Enter F.M. P. No. 34 of 1853/

Mr. T.L. Strange. / The Petitioner having been sentenced to punishment by the Sessions Court of Chittoor in Case No. 44 of 1852, and released by order of this Court, prays that he may be furnished with a copy of the order of release in question.

2. The Court of Foujdaree Adawlut direct that the Petitioner be furnished with a copy of the proceedings of this Court under date the 31st January 1853.

Ordered, that Extract from these Proceedings be granted to the Petitioner on his application.

Read Miscellaneous Petition presented on the 2nd September 1852 by J. Ouchterlony Esquire on behalf of Mungalaswara Thirrovachooly Mungal and others Zillah Madura.

(Here Enter F.M. P. No. 120 of 1853)

Read.



Read also Counter petition presented by A. Mc. Richie Esquire Vakeel on behalf of the Zemindar of Ramnad.

/Here Enter F.M. P. No. 134 of 1852/

Mr. T.L. Strange. / The Petitioners in the former of these Petitions appealed against an order of the Session Court of Madura under date the 24th July 1852, wherein the Petitioners were referred to a Civil Suit for redress, and their appeal against the refusal of the Magistrate to take cognizance of certain Criminal charges preferred by them against the Zemindar of Ramnad was rejected, and the Petitioners pray that the Magistrate of Madura may be ordered to proceed forthwith with the investigation of the said charges under Act XIII of 1850.

2. In order to comply with the prayer of the petitioners and rule that the Zemindar of Ramnad is amenable to a Criminal prosecution for the acts of fraud alleged by the Petitioners against him in respect of the Dawasthanums in question in their petition, it would be necessary to give decision upon a matter involving very important Civil rights namely

namely, to the effect that the proprietory title to the said Davasthanums is not vested in the Zemindar individually but in the Hindoo public.

3 The Court of Fouzdaree Udalut are of opinion that until this question is set at rest by the only authority competent to give judgment thereupon, namely, the Civil Courts, no prosecution can be maintained against the Zemindar of the nature to which this petition relates.

4 The Court therefore adhere to the opinion expressed by them in regard to this matter in their proceedings of the 13th July 1852 and do dismiss this petition.

Ordered, that Extract from these Proceedings be furnished to the Petitioners' Vakeels on their application.

Read letter under date the 18th February 1853 from the Sessions Judge of Honore.

(Here Enter F.M. No. 827 of 1853)

1 In his communication the Sessions Judge refers to a Case pending before the Principal Sudder Ameen wherein a person stands charged with having stolen a certain quantity of Sircar Salt shipped on



on his Patamar and entrusted to his charge, and submits for the decision of this Court whether the Case should be disposed of under the provisions of Section VII Regulation X of 1816 or of Act VIII of 1850.

2 The Court of Fouzdaree Udalut concur in opinion with the Sessions Judge of Honore that the provisions of Section VII Regulation X of 1816 are applicable to an offence of the description in question, provided it may not have been committed at sea, as may be judged to have been the Case in the present instance, wherein the Jurisdiction therein would rest with the Court of Admiralty.

Ordered, that Extract from these Proceedings be forwarded to the Sessions Judge of Honore for his information.

(Sent in No. )

Read again Calendar of Case No. 11 of 1852 on the file of the Sessions Court of Rajahmundry.

(Here Enter F.M. No. 900 of 1852)

Read again also Miscellaneous Petition forwarded by the Sessions Judge of

of Rajahmundry from P. Venaatacharlo prisoner in the foregoing Case and late Sheristadar in the Subordinate Court of Rajahmundry.—

(Here enter F. No. 52 of 1852)

Read again also return under date the 11th June 1852 and supplemental return under date the 19th June 1852 from the Subordinate Judge of Rajahmundry to the Precept of the Foujdaree Adalut dated the 1st June 1852 directing the submission of the record of the foregoing Case and requiring an explanation of the suspension of the sentence passed thereon.

(Here enter F. No. 1459 and 1570 of 1852)

Read again also Miscellaneous Petition presented on the 8th December 1852 J. Ouchterlony Esquire Vakeel on behalf of P. Venaatacharlo late Sheristadar in the Subordinate Court of Rajahmundry.—

(Here enter F. M. P. No. 165 of 1852)

Read again also return under date the 19th February 1853 from the Subordinate Judge in charge of the Sessions Court of Rajahmundry to the Precept of



of the Foujdaree Adalut dated the 10th February 1853 directing the restoration of P. Venaatacharry to the Office of Sheristadar in the Subordinate Court of that Zillah.—

(Here enter F. M. No. 508 of 1853)

Mr. W. A. Morehead. and Mr. T. L. Strange 1 The Court of Foujdaree Adalut resolve to direct that the Sessions Judge will favour them with his opinion in the several matters referred to in the Subordinate Judge's letter of the 18th Ultimo and in the diaries appended thereto which are advanced in proof of the disqualifications of the late Sheristadar and of his negligence in the discharge of his duties. In the meantime the Court of Foujdaree Adalut will allow their orders for the restoration of P. Venaatacharlo to the Office to remain in abeyance. the salary being kept in deposit pending the final disposal of the Case.—

2 The Court of Foujdaree Adalut at the same time consider it to be desirable that they should be furnished with the opinion of Mr. Irvine who for some years presided over the Sub-

Subordinate Court of Rajahmundry as to the qualifications of the late sheristadar and they accordingly direct that a copy of Mr Cotton's letter above referred to and of its enclosures be forwarded to Mr Irvine who will be pleased to state whether his experience of the late Sheristadar's qualifications coincides with the opinion recorded regarding him by Mr Cotton.—

Ordered, that Extract from these Proceedings be sent to the Sessions Judge of Rajahmundry by Precept returnable within x days from and after its receipt.—

(Sent following Precept No

Ordered also, that Extract from these Proceedings be sent to P. Irvine Esqr late Subordinate Judge of Rajahmundry for his information.—

(Sent in No

Read Calendar of Case No 1 of 1853 submitted by the Sessions Judge of Chittoor under date the 7th January 1853

(Here enter F. R. No 161 of 1853)

Read Calendar of Case No 10



of 1853 submitted by the Session Judge of Bellary under date the 2d February 1853.

(Here enter F.R. No 340 of 1853)

Read Calendar of Cases No 1 of 1853 submitted by the Acting Session Judge of Salem under date the 2d February 1853.—

(Here enter F.R. No 346 of 1853)

Read letter under date the 22d February 1853 from the Agent to the Governor in Ganjam submitting annual Report No 2 of the Agent's Court for the months of January 1853 together with Report B from the Assistant to Agent Lieutenant Macdonald.—

(Here enter F. R. No 540 of 1853)

Read Calendar of Case No 10 of 1853 submitted by the Sessions Judge of Chingleput under date the 2d March 1853.—

(Here enter F.R. No 555 of 1853) S

4 Th W

F. U.

Saturday.
12th March 1853. At a Court of the Foujdaree Udalut,

Present,

Hon'ble — G. S. Hooper Esquire —
W. A. Morehead Esquire — Puisne Judges.
T. L. Strange Esquire —

Translations of the Records in Cases Nos. 18, 26, and 30 of 1852, on the file of the Session Court of Chingleput, not having as yet been received.—

Ordered that the Session Judge of Chingleput be called upon to submit the same without delay.—

(Sent in No.)

Translations of the Records in Cases Nos. 27 and 29 of 1852, on the file of the Session Court of Chittoor not having as yet been received.

Ordered that the Session Judge of Chittoor be called upon to submit the same without delay.—

(Sent in No.)

Translation of the Record in Case No. 35 of 1852 on the file of the Session Court of Mangalore not having as yet been received.

Ordered that the Session Judge of Mangalore be called upon to submit the same

same without delay.

/ Sent in No.

Translation of the Record in Case No. 62 of 1852 on the file of the Session Court of Caliaut, not having as yet been received.-

Ordered that the Session Judge of Caliaut be called upon to submit the same without delay.-

/ Sent in Dee.

Read letter under date the 15th February 1853 from the Magistrate of Coimbatore.

/ Here enter F. G. No. 477 of 1852.

1.

The Magistrate of Coimbatore in his communication under notice refers to this Court's proceedings under date the 27th January 1853, wherein it was ruled that the Prosecutor in Case No. 1 of 1853 on the file of the Session Court of Coimbatore must be committed for trial on a charge of conspiracy to prevent justice, and condemning the view taken by this Court of the case in question to be unjust towards the accused party, he remarks in para 2 of his letter that the money given by the accused was paid not to pervert but to obtain justice and that the act was therefore not criminal.-

2.

To this, the Court of Fouzdaree Udalut would remark, that the payment of money to procure the punishment of parties who in the case of the law from not having



been convicted, are to be viewed as innocent, cannot but be held to be an attempt to pervert justice.-

3.

In para: 3 of his letter, the Magistrate refers to Regulation IX of 1822 and argues on that the spirit and reason that dictates the remission of money paid for the purposes of bribery in a Revenue case should be equally applicable to one such as the present.-

4.

The Court of Fouzdaree Udalut have here to point out, that Section XII Regulation IX of 1822, makes provision for the return of a sum Extorted: but in the present instance, there was the further feature that the person paying the money did so to influence the fate of prisoners under trial, a matter for which he himself indubitably amenable to justice.

5.

With reference to the Magistrate's concluding observations, the Court of Fouzdaree Udalut would remark, that it will be for the authority disposing of the case to give consideration to whatever circumstances there may be connected therewith to palliate Corbyn Goundens Conduct, but that the existence of any such circumstances, is not to have the Effect of exonerating him from trial.

6.

The Court are of opinion, that the Magistrate would have been most reprehensible had he failed to bring the facts of the case to light. That the Case should have taken a different turn from what the Magistrate had anticipated

-cipated, should in no way operate to discourage that officer from fulfilling duties clearly devolving upon him.

7. The Court of Foujdaree Udalut do not feel called upon to issue any orders in the case of the counter-charge stated by the Magistrate to have been brought against Soobroya Gounden. That charge must be disposed of on its merits by the constituted authority.

Ordered. that, Extract from these proceedings be sent to the Magistrate of Coimbatore, for his information.-

(Sent in No.)

Read report dated 2nd Inst. submitted by the Acting Sessions Judge of Salem, of Cases pending before him on the 28th February 1853, for a period in excess of 25 days calculated from the date of commitment.-

(Here enter F. C. No. 573 of 1853.)

Read letter dated the 1st Instant from the Sessions Judge of Calicut, stating that there is no case during the past month to be entered in the Report required by the Foujdaree Udalut Circular letter of the 16th October 1844.

(Here enter F. C. No. 574 of 1853.)

Read Proceedings dated 2nd Instt from the Session Judge of Bellary, held in reviewing the Petty Calendars &c. for the 4th Qr. of 1852.

(Here enter F. C. No. 575 of 1853.)

Read



Read Return dated the 3rd Instant, from the Sessions Judge of Calicut to the precept of the Foujdaree Udalut under date the 24th February 1853, containing observations on Calendar of Cases No. 6 of 1853 on the file of this Court.

(Here enter F. C. No. 578 of 1853.)

Read Calendar of Cases No. 8 of 1853, submitted by the Session Judge of Cuddapah under date the 5th March 1853.-

(Here enter F. C. No. 579 of 1853.)

Read letter dated the 1st Instant from the Session Judge of Honore, reporting that no cases were pending before the Session Court for more than 25 Days.

(Here enter F. C. No. 580 of 1853.)

Read Calendar of Case No. 7 of 1853, submitted by the Session Judge of Madura under date the 4th March 1853.

(Here enter F. C. No. 581 of 1853.)

Read return dated 4th Instant from the Sessions Judge of Salem, to the precept of the Foujdaree Udalut under date the 1st March 1853, calling for explanation of the reason, why case No. 4 of 1853 on the Calendar of the Sessions Court of Salem was brought before that Court.

(Here enter F. C. No. 582 of 1853.)

Sundays
13th March 1853.

F. C.

At a Court of the Foujdaree Adalut.

Present.

Sd. G. J. Hooper Esquire
Sd. W. A. Morehead Esquire
Sd. F. L. Strange Esquire

} Puisne Judges.

Read letter under date the 2d. February 1853 from the Session Judge of Combaconum forwarding English Translation of the record of Case No 2 of 1853, on the Calendar of the Session Court, for the final Judgment of the Court of Foujdaree Adalut

(Here Enter F A No 331 of 1853)

Read also return dated 15th February 1853 from the Session Judge of Combaconum in obedience to the Precept of the Foujdaree Adalut under date the 12th February 1853 requiring the Sessions Judge to examine the Puttigar named Maurenoottoo, and the Acting Taliary Nagalingum with the view of clearing up, if possible, certain discrepancies between the Statements of the Prosecutor and of the Witness in Session Case No 2 of 1853.

(Here Enter F A No 462 A)

Read also further return dated 2d March 1853 from the same Officer to

to the precept of the Foujdaree Adawlut under date the 19th February 1853 repeating their instructions conveyed in their Proceedings of the 12th Idem for the examination of Maurenoottoo and Nagalingum on the points therein referred to in case No 2 of 1853.-

(Here Enter F R No 556 of 1853)

Messrs Morehead and Thange

The Court of Foujdaree Adawlut on a deliberate consideration of all the circumstances of the case in evidence before them being of opinion that the prisoner "Iyalummah" is not convicted on presumptive proof or on the evidence of credible witnesses, or on her own confession, of the crime charged, do acquit her thereof, and direct that she be set at liberty.-

1. The prisoner was charged with having on the 26th December 1852 at about 2 P.M. murdered one Parianaigum a child aged 4 years the daughter of the prosecutor's brother-in-law by pushing her into a water channel.-

2 The prisoner was further charged with having stolen from the body of the said Parianaigum jewels valued at Rupees 5.-

The



3. The Sessions Judge in concurrence with the Mahomedan Law Officer has convicted the prisoner of the crime laid to her charge and has referred the trial with a recommendation that in the absence of any direct proof of her guilt the prescribed penalty of the Law should be mitigated to a sentence of Imprisonment for life.-

4 On an attentive consideration of the record the Court of Foujdaree Adawlut have been unable to concur with the Sessions Judge in considering the evidence sufficient for the conviction of the accused.-

5. The evidence was to the effect that on the day in question the Prosecutor in whose house the prisoner it would appear was residing with most of the members of his family was absent at the Pagoda on account of the new moon festival till about 2 P.M. and missing the deceased on returning home was informed by a woman in the village that she had seen the child a short while previously in company with the prisoner proceeding towards the Channel specified in the indictment. It is proved that

to the precept of the Tanjoare Vacatut under date the 19th February 1853 repeating their instructions conveyed in their Proceedings of the 12th Idem for the examination of Maureenoottoo and Nagalingum on the points therein referred to in case No2 of 1853.—

(Here Enter I R No 556 of 1853)

Messrs Morehead and Strange

The Court of Tanjoare Vacatut on a deliberate consideration of all the circumstances of the case in evidence before them being of opinion that the prisoner,

"Pyalummah"

is not convicted on presumptive proof or on the evidence of credible witnesses, or on her own confession, of the crime charged, do acquit her thereof, and direct that she be set at liberty.—

1. The prisoner was charged with having on the 26th December 1852 at about 2 P.M. murdered one Parianaigum a child aged 4 years the daughter of the prosecutor's brother-in-law by pushing her into a water channel.—

2. The prisoner was further charged with having stolen from the body of the said Parianaigum Jewels valued at Rupees 5.—

The



3. The Sessions Judge in concurrence with the Mahomedan Law Officer has convicted the prisoner of the crime laid to her charge and has referred the trial with a recommendation that in the absence of any direct proof of her guilt the prescribed penalty of the Law should be mitigated to a sentence of Imprisonment for life.—

4. On an attentive consideration of the record the Court of Tanjoare Vacatut have been unable to concur with the Sessions Judge in considering the evidence sufficient for the conviction of the accused.—

5. The evidence was to the effect that on the day in question the Prosecutor in whose house the prisoner at present appeal was residing with most of the members of his family was absent at the Pagoda on account of the new moon festival till about 2 P.M. and missing the deceased on returning home was informed by a woman in the village that she had seen the child a short while previously in company with the prisoner proceeding towards the Channel specified in the indictment. It is proved that

that the body was found in the channel the prisoner it would appear having been previously taken into custody but as to the time of her apprehension the evidence is conflicting. It is also proved that Jewels belonging to the Child were pointed out by the prisoner in some water into which she had thrown them on finding as she states that she was suspected of the murder of the child. It is proved that the body was very speedily buried in the course of the same afternoon and it appears that no report of the matter was made to the Police who only heard of it accidentally after the body was buried and instituted an investigation which has resulted in the prisoners commitment.

6. The prisoners story was that she had gone to bathe in the channel and that the deceased followed her and while she was bathing fell into the channel and was drowned.—

7. In regard to the Jewels which she was charged with having stolen she stated that she had taken them from the body with the intention of delivering them to the Child's relations but that on being



being apprehended she threw the Jewels away in the spot where she afterwards pointed them out.

8. The evidence as to the time of the prisoner's apprehension, as has been already observed, is conflicting the prosecutors stating that she was not taken into custody until after the body was found while it would appear from the testimony of the persons by whom she was apprehended that her apprehension took place previous to the discovery of the body.—

9. Independently of this discrepancy there is much in the conduct of the parties concerned which in the opinion of the Court of Inquiry does is calculated to throw discredit on the evidence for the prosecution. The Court of Inquiry does not but view with distrust under all the circumstances of the case the very speedy burial of the body and the omission of the prosecutor to make any report to the Police of the death of the child and robbery of its Jewels although suspicion had already been attracted and the suspected person was actually in custody.—

10. The circumstances of the case are certainly sufficient to attach suspicion

suspicion to the prisoner but considering the very unsatisfactory nature of the evidence for the prosecution the Court have felt themselves bound to acquit her and to direct her unconditional release.-

Ordered that extract from these proceedings be sent to the Sessions Judge of Combaconum for his information.

(Sent in No.

Read return dated 5th Instant from the Acting Sessions Judge of Salem to the precept of the Tahsildar dated under date the 2d March 1853 calling for a copy of the proceedings of his Court referred to in the report of persons apprehended &c and delivered to the Magistracy in the months of January 1853.

(Here Enter F.R No 583 of 1853)

Read Calendar of Case No 5 of 1853 submitted by the Acting Sessions Judge of Salem under date the 5th Instant.-

(Here Enter F.R No 584 of 1853)

Read Extract from the Proceedings of the Sessions Judge of Chittoor under date the 7th Instant submitting by Calendars for the 4th Quarter of 1852.

(Here Enter F.R No 585 of 1853)

Read Calendar of case No 86 of 1852 submitted by the Sessions Judge of Cuddapah under date the 5th March 1853.-

(Here Enter F.R No 588 of 1853)



Read Report of cases dated 1st Instant submitted by the Sessions Judge of Cuddapah of cases pending on the 31st January and committed for trial during the month of February 1853.-

(Here Enter F.R No 589 of 1853)

Read Extract from the Proceedings of the Sessions Judge of Guntoor under date the 5th Instant held on review of the Calendars of the Magistracy for the 4th Quarter 1852.-

(Here Enter F.R No 590 of 1853)

Read Calendar of case No 88 of 1853 submitted by the Sessions Judge of Madura under date the 5th Instant.

(Here Enter F.R No 591 of 1853)

Read return dated 7th Instant from the Sessions Judge of Cuddapah to the precept of the Tahsildar dated under date the 14th February 1853 requiring the Acting Magistrate to call upon the 7th Instant Duff adar to account for his having detained in his custody for 9 days, the Prisoner in case No 88 of the Calendar for 1852.-

(Here Enter F.R No 596 of 1853)

Read Return dated 2d Instant from the Sessions Judge of Chicacole to the Precept of the Tahsildar dated under

under date the 12th February 1853 directing him to review the case No 18 on the Criminal Reports of the Principal Sudder Ameen of Vizagapatam for the month of November 1852 and to pass an amended sentence thereon.

(Here Enter F R No 598 of 1853)

Read Calendar of Case No 66 of 1853 submitted by the Sessions Judge of Cuddapah under date the 8th instant.

(Here Enter F R No 599 of 1853)

4d 1B.

Monday,
14th March 1853.

F.R.

At a Court of the Foujdaree Adawlut

Present.

The Hon'ble G.S. Hooper Esqre
" W. A. Morehead Esqre
" T. L. Strange Esqre

} Puisne Judges

Read Miscellaneous Petition presented on the 7th February 1853 by Coopamma of the Zillah of Cuddalore.—

(Here Enter F R M P No 19 of 1853)

Read also Miscellaneous Petition presented on the same date by Maurea of the same Zillah.—

(Here Enter F R M P No 20 of 1853)

Mr W. A. Morehead 1. The Petitioners pray the Court of Foujdaree Adawlut to issue orders for the release of their relatives Chinna-Poyeh, Govinden and Chinnan, the 9th 10th and 11th Prisoners in Calendar of Case No 43 of 1852 of the above Zillah, who, it is alleged, were sentenced each to 14 years imprisonment with hard labor in irons, upon mere suspicion of their having been implicated in a Gang Robbery at Negapatam and not upon sufficient evidence of their guilt.—

2. The Court of Foujdaree Adawlut

Do.but see no reason to disturbe the sentence
passed by the Session Judge, and accordingly
resolve to reject the above Petitions—

Ordered that Extract from
these Proceedings be furnished to the
Petitioners on their application—

Read letter under date the 22d
February 1853 from the Subordinate Judge
in charge of the Sessions Court of Rajahmundry.

(Here Enter T R Nos 21 & 1853)

1. The Subordinate Judge in
charge requests the instructions of this
Court in regard to a matter pending in
the Subordinate Court wherein the Agent
of a certain Firm at Bombay is charged
with breach of trust and fraud- the matter
involved seeming to embrace the purchase
of a vessel at the Mauritius where the
said person was engaged as the Agent
of the Firm in question—

2. The proposal of the Subordinate
Judge that the case should be transferred
to Bombay for the convenience of the
prosecution thereof is one that could not
be carried out as such a course would
be illegal- neither does it appear to the
Court of Foujdaree Adalut that the Subor-
-dinate Judge can have jurisdiction or
power therein as a Justice of the Peace and
Committing officer to the Court of Admiralty
but on this head the Subordinate Judge
would do well to submit any doubts he
may entertain himself for solution to the
Advocate General, through the channel
of the Government.



Ordered that Extract from
these Proceedings be sent to the Session
Judge of Rajahmundry for communication
to the Subordinate Judge for his information.

(Sent in Mo)

Read Miscellaneous Petition
presented on the 17th February 1853 by Vunnes
-hawen on behalf of Arnachellum a con-
prisoner in Sessions cases 13 and 14 on the
Madura file.—

(Here Enter T R No 25 of 1853.)

Mr. G.S Hooper.

The Court of Foujdaree Adalut
see no reason to doubt the correctness of
the sentence passed against the said Pri-
-soner, on a full and mature consideration
of the whole of the proceedings held in
the case, and accordingly reject this Petition

Ordered that Extract from
these Proceedings be granted to the Peti-
-tioner on his application.—

Read Calendar of Case No 7 of 1853
submitted

14th March 1853.

Submitted by the Session Judge of Huddapah under date the 8th Instant.—

(Here Enter F & R No 600 of 1853)

Read Criminal Reports dated 5th Instant submitted by the Mooftly Sudder ameen in charge of the Session Court of Masulipatam for the month of January 1853.

(Here Enter F & R No 601 of 1853)

Read return dated 5th Instant from the Session Judge of Chicacole to the precept of the Foujdaree Udalut under date the 24th February 1853 directing him to amend the indictment in the Calendar of case No 1/1853.

(Here Enter F & R No 606 of 1853)

Read Calendar of case No 3 of 1853 Submitted by the Acting Session Judge of Bellary under date the 7th Instant.

(Here Enter F & R No 603 of 1853)

Read Criminal Report dated 31st January 1853 submitted by the Session Judge of Coimbatoor for the month of January 1853—

(Here Enter F & R No 602 of 1853)

Read return dated 5th Instant from the Agent to the Governor in Vizagapatam to the precept of the Foujdaree Udalut under date the 11th February 1853 submitting grand observations on the state of the Pachipentah Zemin

(Here Enter F & R No 614 of 1853)

Read Calendar of case No 5 of 1853 Submitted by the Session Judge of Cuddapah under date the 11th Instant.—

(Here Enter F & R No 615 of 1853)

Ex 18th

X

F. U.

Tuesday 15th March 1853 } At a Court of the Foujdaree Udalut

Present

G.S.R. G. S. Cooper Esquire
W.H. W. H. Morehead Esquire
T.L. T. L. Strange Esquire
} Puisne Judges

Read letter dated 1st Instant from the Session Judge of Chicacole submitting for the final judgment of the Foujdaree Udalut the record of case No 17 on the Calendar of the Session Court for 1852.

(Here Enter F. U. No 611 of 1853)

The Court of Foujdaree Udalut,

Mr. W.H. Morehead

on a deliberate consideration of all the circumstances of the case in evidence before them, being of opinion that the proof against the prisoner,

"Sawada Saradly"

is sufficient to convict him of the crime of severe wounding, for which according to the Mahomedan Law as declared in fatwas of their Law Officers, discretionary punishment is awardable, do convict him thereof; and under the provisions of Clause third Section VII Regulation XX of 1803, and Section XXXIV Act VII of 1843, sentence him to be imprisoned and kept to hard labor in irons on the public roads or other public works

for

15th March 1853.

for and during the period of (5) five years.

(Sentence)

Read letter under date the 28th January 1853, from the Agent to the Governor at Ganjam submitting, Criminal Reports No. 2 of the Agent's Court together with the Reports B from the Principal Assistant Agent Mr. Knox for last Months.

(Here Entd. F. R. No. 369 of 1853)

Read report under date the 1st Instant submitted by the Acting Sessions Judge of Nellore of Cases pending for the Months of &c. February 1853.

(Here enter F. R. No. 570 of 1853)

Read Calendars of Cases Nos. 3 and 4 of 1853 submitted by the Sessions Judge of Tellicherry under date the 3d March 1853.

(Here enter F. R. No. 597 of 1853)

Entd. [illegible]

F. R.

Thursday — 17th March 1853 } At a Court of the Foujdaree Adalut.—

Present.

G. S. Hooper Esqre. "
W. A. Morehead Esqre. "
T. L. Strange Esqre. "
} Puisne Judges.

Read Miscellaneous Petition received on the 20th February 1853 from the Sessions Judge of Salem presented by Ajmoideen Saib and another of that Zillah.—

(Here enter F. R. M. P. No. 28 of 1853)

Mr. G. S. Hooper. The Petitioners pray for the reversal of the order of the Sessions Judge under date the 5th November 1852, confirming one passed by the Magistrate refusing to remit the fines imposed upon the Petitioners by the Joint Magistrate of Salem in Case No. 13 of 1852 on his file.—

2 The Court on perusal of the several papers which accompany this Petition see no grounds for questioning the correctness of the order appealed against.—

3 This Petition is therefore rejected.

Ordered.

17th March 1853.

Ordered that Extract from these Proceedings be sent to the Sessions Judge of Salem for communication to the Petitioner.—

(Sent in A.

Read again Calendar of Case No. 28 of 1852 of the Sessions Court of Nellore.

(Hereenter F. R. No. 2294 of 1852)

Read also Miscellaneous Petition presented on the 20th December 1852 by Kristnamacharry father of the 2d Prisoner in the above Case.—

(Hereenter F. R. No. 158 of 1852)

Read also Returns dated 8th and 22d February 1853 respectively to the precepts of this Court dated the 3d and the 17th of the same month directing the Acting Sessions Judge of Nellore to suspend execution of the Sentence passed upon the 2d Prisoner in the Case under notice and to forward the record of the trial.—

(Hereenter F. R. Nos. 376 and 520 of 1853)

Mr. W. A. Morehead and Mr. T. L. Strange.

The two Prisoners in this Case were charged with House-breaking and theft and being in possession of the stolen property



property knowing it to be such, and on conviction were sentenced to Two years imprisonment with hard labor in irons.—

2 On a careful consideration of the record of the Case, the Court of Foujdaree Udalut observe that the 2d Prisoner has throughout maintained his innocence, and has denied pointing out the spot where the stolen corn was secreted. The evidence is to the effect that it was first pointed out by the 1st Prisoner and that then the 2d Prisoner was brought forward and dug where it was secreted and gave it up. The Statements made are contradictory upon the essential point of whether the 2d Prisoner then confessed or not, and considering that it is allowed that previous to taking up the property, he, on the very spot where it was buried, strenuously denied his concern in the theft, as he subsequently did when brought before the Police Ameen, the Court feel unable to believe that at the time the property was taken up he betrayed guilt.

3 Under these circumstances the Court

17th March 1853.

Court of Fonjdaree Udalut resolve to direct the unconditional release of the Prisoners,

2d Ananda Trithacharlu

Ordered that Extract from these Proceedings be sent to the Acting Sessions Judge of Nellore for his information and guidance, by precept returnable within 11 days from and after its receipt.

(Sent following Precept No.

Ordered, also that Extract from these Proceedings be granted to the Petitioner on his application.

Read letter dated the 10th Instant from the Sessions Judge of Cuddapah reporting the execution of the Prisoner 1st T. Venkatramooroo in Case No. 36 of the Calendar for 1852.—

(Here enter F. U. No. 616 of 1853)

Read Calendar in Case No. 5 of 1853 submitted by the Sessions Judge of Cuddapah under date the 11th Instant.—

(Here enter F. U. No. 615 of 1853.)

Ex 18 D

F. U.

Saturday — 19th March 1853 } At a Court of the Fonjdaree Udalut.

Present.

GSH — G. S. Cooper Esqre.
WAM — W. A. Morehead Esqre.
TLS — T. L. Strange Esqre. } Puisne Judges

Read Criminal Reports submitted by the Sessions Judge of Chicacole for the month of January 1853.—

(Here enter F. U. No. 517 of 1853.)

Vizagapatam Criminal Reports Case No. 1.

The Court of Fonjdaree Udalut direct that the Report of this Case in the form A may be submitted for their consideration.—

Ordered that Extracts from these Proceedings be sent to the Sessions Judge of Chicacole by precept returnable within X days from and after its receipt.

(Sent following Precept No.

Read Calendar of Case No. 22 of 1853 of the Sessions Court of Bellary.

(Here enter F. U. No. 565 of 1853)

The Court of Fonjdaree Udalut are of opinion that a Sentence of (8) eight years' imprisonment with hard labor in

in irons will be adequate punishment for
the offence of which the Prisoners in this
case have been convicted, and they resolve
to call upon the Session Judge to reduce
their sentences accordingly.—

2 If unable to concur with
the Court in the propriety of the mitigated
sentence now proposed, the Session Judge
will be pleased to submit an English
translation of the entire Record of the
case for their consideration.—

Ordered that Extract from
these Proceedings be sent to the Session
Judge of Bellary for his information
and guidance.—

(Sent in No.

Read Calendars of Petty Cases
disposed of by the Magistracy of Cuddapah
during the 4th Quarter of 1852—

(Hereenter F. N.—No. 566 of 1853)

Calendar of persons punished. Case No. 33.—

1 The prisoner in this case was
charged with "resistance to Magistrate's
process in having prevented the prosecu-
tor from cultivating his land in
contravention

1st Bheemadoo—
2d Buddatchadoo—
and
3d Linganadoo—



contravention of the order of the late
Joint Magistrate" and was sentenced
by the Acting Joint Magistrate to pay
a fine of Rupees 2 or in default to be
imprisoned for five days under
Section XXXII Regulation IX of 1816—

2 The Court of Fouzdaree
Udalut are of opinion that the offence
charged in this case should have been
designated as a trespass and that the
charge should have been founded on
the conduct of the accused in regard to
the prosecutor and not in reference to
the order of the Joint Magistrate the
breach of which cannot be viewed
as a resistance of Magisterial process
of the character of that provided for
in Section XXIII Regulation IX of 1816—

3 The entry of "Noticed" which
was recently ordered to be inserted in
the reports of all cases noticed by the
Session Judge has not been inserted in
these Calendars.—

Ordered that Extract from
these Proceedings be sent to the Session
Judge

19th March 1853.

Judge of Cuddapah for his informa-
tion and for communication of Pāras
1 and 2 to the Acting Magistrate. —

(Sent in Ps.

Read Calendar of Case No. 6
of 1853 of the Sessions Court of Madura.

(Here enter F. D. No. 567 of 1853)

The Court of Foujdaree Adalut
approve of the recommendation made by
the Sessions Judge in this Case that the
imprisonment which the Prisoners
noted in the margin have been ad-
judged to suffer on their conviction of
the crime of Highway Robbery and
wounding and possessing plundered
property with a guilty knowledge be
reduced to five years imprisonment
with hard labor in irons, and they do
authorize the Sessions Judge to issue his
warrant accordingly. —

Ordered that Extract from
these Proceedings be forwarded to the
Sessions Judge of Madura for his
information. —

(Sent in Ps.

Read

1 Arasadervundul Mouttoomoppen
2 Undaccody Mouttoomuppen

F. D.

19th March 1853.

Read Calendar of Case No. 11 of
1853 submitted by the Sessions Judge of
Tinnevelly under date the 7th Instant. —

(Here enter F. D. No. 620 of 1853.)

Read Calendar of Case No. 10
of 1853 submitted by the Sessions Judge of
Madura under date the 12th Instant. —

(Here enter F. D. No. 636 of 1853)

Read Extract from the Pro-
ceedings of the Sessions Court of Chingle-
put dated the 14th Instant reviewing
the Petty Calendars of the Magistracy
for the 4th quarter ending 31st December
1852. —

(Here enter F. D. No. 642 of 1853)

Read Criminal Report
dated 15th Instant submitted by the
Sessions Judge of Chingleput for the
month of February 1853. —

(Here enter F. D. No. 643 of 1853)

Read Calendar of Case No. 7
of 1853 submitted by the Acting Sessions
Judge of Cuddalore under date the
14th Instant. —

(Here enter F. D. No. 646 of 1853)

E. B. C.

# No

Monday 21st March 1853 } At a Court of the Foujdaree Udalut

Present

The Hon'ble G. L. Cooper Esquire
" W. A. Morehead Esquire } Puisne Judges
" T. L. Strange Esquire

---

Read Miscellaneous Petition presented on the 14th March 1853 by J. Ouchterlony Esquire Vakeel on behalf of Paravaster Ramanajoo Chetty of Zillah Chingleput.

(Here enter P. M. P. No 40 of 1853)

Mr W. A. Morehead } This is a Petition on behalf
Mr T. L. Strange } of the 2nd Prisoner in Calendar No 33 of 1852 on the file of the Session Court of Chingleput.

In compliance with the prayer of this Petition, the Court of Foujdaree Udalut resolve to instruct the Session Judge to allow the Prisoners to wear their ordinary cloths and to treat them as under examination pending their final orders in the Case, allowing them such

2

such indulgence as to the cooking of their food as he may deem to be unobjectionable.-

Ordered, that Extract from these Proceedings be forwarded to the Sessions Judge of Chingleput for his information.-

(Sent in No.

Read Calendar of Case No 9 of 1853 of the Sessions Court of Madura.-

(Here Enter F.H. No 609 of 1853)

The Court of Foujdaree Uda-
lut approve of the recommendation made by the Sessions Judge in this case that the imprisonment, which the Prisoner noted in the margin has been adjudged to suffer on his conviction of the Crime of Housebreaking and Theft be reduced to three years imprisonment with hard labor in irons, and they do authorize the Sessions Judge to issue his warrant accordingly.-

Sardinoya gumalias Nagalingum.

Ordered, that Extract from these Proceedings be forwarded to the



Sessions Judge of Madura for his information.

(Sent in No.

Read Calendar of Case No 6 of 1853 of the Sessions Court of Salem.-

(Here Enter F.H. No 571 of 1853)

The Court of Foujdaree Uda-
lut are of opinion that a sentence of three years imprisonment with hard labor in irons will be adequate punishment for the offence of which the Prisoner in this case has been convicted, and they resolve to call upon the Sessions Judge to reduce his sentence accordingly.-

Allagun

2 If unable to concur with the Court in the propriety of the mitigated sentence now proposed, the Sessions Judge will be pleased to submit an English translation of the entire Record of the Case for their consideration.-

Ordered, that Extract from these Proceedings be forwarded to the Acting Sessions Judge of Salem by conveyance returnable in X days from and after its receipt.-

(Sent following Precept No.

Read letter under date the

3rd

5th March 1853 from the Acting Session Judge of Salem forwarding English Translation of the record of Case No 5 of 1853, on the Calendar of the Session Court, for the final Judgment of the Court of of Foujdaree Udalut.—

(Here Enter F.R. No 604 of 1853)

Mr G. S. Hooper and Mr T. L. Strange

The Court of Foujdaree Udalut on a deliberate consideration of all the circumstances of the Case in evidence before them being of opinion that the Prisoner "Coora Veerun"

is not convicted on presumptive proof or on the evidence of credible witnesses or on his own confession, of the crime charged, do acquit him thereof, and direct that he be set at liberty.—

1 The Court of Foujdaree Udalut have been unable to concur with the Sessions Judge in considering the evidence sufficient for the conviction of the prisoner in this case of the crime laid to his charge.

2 The evidence of the first three witnesses who depose to the prisoner's conduct and confession immediately after the commission of the murder is throughout contradictory



contradictory on points upon which if their story was true their Statements must of necessity have agreed and the manner in which the testimony of the 4th 5th and 6th witnesses was introduced appears to the Court to throw so much discredit on the integrity of the police proceedings as to render it unsafe to rely on any of the evidence for the prosecution.—

3 The Court of Foujdaree Udalut have accordingly acquitted the prisoner and directed his unconditional release.—

Ordered, that Extract from these Proceedings be sent to the Acting Session Judge of Salem for his information.—

(Sent in No )

Read Calendar of Case No 8 of 1853 submitted by the Session Judge of Combaconum under date the 16th Instant.—

(Here Enter F.R. No 662 of 1853)

Read Calendar of Case No 6 of 1853 submitted by the Session Judge of Chittoor under date the 23d Ultimo.—

(Here Enter F.R. No 668 of 1853)

Read

21st March 1853

Read Criminal Report B
dated the 17th Instant submitted by
the Acting Sessions Judge of Cuddalore
for the month of February 1853.-

(Here Enter A.C. No. 671 of 1853) ✓

Exd.

E.T.

Tuesday
22nd March 1853

D.C.

At a Court of the Dayidaree Adalut

Present

G.A. Hoosh Esqr.
W.B. Morehead Esqr.
D.L. Strange Esqr.
} Crime Judges

Read Calendar of Case No. 19 of 1852 on the file of the Sessions Court of Bellary.
(Here enter No. 515 of 1853.)

1. Two prisoners in this case have been committed of having caused the death of one Nobeeddy by beating him with their hands and have been sentenced by the Sessions Judge to six months Imprisonment with hard labor without irons.-

2. It appears that the deceased was a madman and was in the habit of abusing the villagers and that in the day of his death he provoked the prisoners by abusing them to commit the assault which resulted in his death.-

3. The Court of Dayidaree Adalut consider the sentence passed in this case unwarrantably lenient, the fact of the deceased being a madman and therefore an object of compassion rather than of anger depriving the act of the prisoners of any palliation which might otherwise have been afforded to it by the provocation they had received.

Ordered that Extract of these proceedings be sent to the Sessions Judge of Bellary for his information.

(Sent in No.

22nd March 1853

Read Calendar of Case No. 12 of 1853 on the file of the Sessions Court of Tinnevelly.

(Here enter E.R. No. 839 of 1853)

Before passing the final order in this case the Court of Enquiry & Tribunal resolve to direct that the Sessions Judge will explain in what respect the statements of the prisoner upon which the indictment for perjury was founded were material to the issue of the charge of murder with reference to which they were made.

Ordered that Extract of these proceedings be sent to the Sessions Judge of Tinnevelly by express dated in X days from and after its receipt

(Entering express No.

Read letter under date the 10th December 1852 from the Acting Principal Sudr Ameen of Tuticorin

(Here enter R.R. No. 2894 of 1852)

In his letter the Acting Principal Sudr Ameen refers to a criminal prosecution instituted by the Government Vakil at the instance of the Civil and Sessions Judge of Tuticorin against the ministerial servants of his Court, the charge in which having been established before the Acting Principal Sudr Ameen and that officer being of opinion that as the Vakil Judge in the prosecution the case falls under the provisions of Section III, Act XXXII of 1852, he requests this Court's permission to transfer it for disposal to the Sessions Court of Coimbatoor

The Court of Enquiry & Tribunal are of opinion that Act XXXII of 1852 relates to another class of cases than that to which this communication

22nd March 1853

refers, which clearly comes under the provisions of Section II. Regulation VIII of 1829; and as such, is subject to the jurisdiction of the Sessions Judge of Tuticorin.

Ordered, that Extract of these proceedings be sent to the Principal Sudr Ameen of Tuticorin for his information

(Sent in No.

4 dc 1 do M

Ft. C.

Wednesday
23d March 1853 At a Court of the Tuijdaree Adalut

Present

G.S. G. S. Cooper Esqr.
W. A. Morehead Esqr. } Puisne Judges
J. L. Strange Esqr.

Read Miscellaneous Petition of
Vadevalo Panachien of Billah Tennerelly forwarded by the Sessions Judge of Tennerelly.

(Vide Inter Tuijdaree No. P. No. 29 of 1853)

The Petitioner having been fined
Mr. W. A. Morehead in Case No. 97 of 1852 for a breach of the Revenue laws by the Moofty Sudder Ameen, and the penalty having been embraced by the Session Judge on review of the proceedings held in the case to the full extent authorized under section VI, Regulation I of 1820, the Petitioner appeals from this sentence and prays to be relieved from the fine which has been imposed upon him.

2. The Court of Tuijdaree Adalut on perusal of the proceedings held in this case, cannot discover any grounds for questioning the propriety of the sentence complained against.

This Petition is therefore rejected.

Ordered

Ordered that Extract from these proceedings be sent to the Sessions Judge of Jaffna for communication to the petitioner.

Sent in No

Read again Calendar of Case No 35 of 1852 on the file of the Sessions Court of Combaconum

(Here Enter Fouzdaree Adalut No 2207 of 1852)

Read again also Miscellaneous Petition presented on the 14th January 1853 by Sutchinee and Moorthe of Pillah Chittor.

(Here Enter Fouzdaree M. P. No 9 of 1853)

Read also return under date the 5th March 1853 from the Sessions Judge of Combaconum to the precept of the Fouzdaree Adalut dated the 3d February 1853 directing the submission of an English Translation of the record of the foregoing case.

(Here Enter Fouzdaree Adalut No 35 of 1853.)

1. Eleven prisoners were charged in this case with having at about 1 A. M. on the 19th August 1852 proceeded in a body armed with sticks to the house of the prosecutor and with having attempted to enter therein by making a hole in the Southern wall of the house.

2. The prisoners were further charged with having at the same time and place assaulted



beaten the prosecutor with a stick on his apprehend-ing the 1st prisoner.

3 The evidence was to the effect that on the night in question the prosecutor was arous-ed from sleep by hearing the noise of boring in the wall of his house and on opening the back door saw about 20 persons assembled in his yard who on finding they were discovered took flight with the exception of the 1st prisoner an old man who was apprehended by the Prosecutor before he could get off. It was alleged that an attempt was made to rescue this prisoner by some three or four of the robbers who assaulted the prosecutor with sticks but without success and that the neighbours and Village Police having assembled followed the robbers being guided in the pursuit by the noise made by the prison-ers in splashing through the wet paddy fields and after having pursued them for some con-siderable distance succeeded in capturing the 2d 3d 4th 5th 6th 7th 8th 9th 10th & 11th prisoners under a some banian trees under which they had halted to wring their cloths.

4 The Sessions Judge in concurrence with the Law Officer convicted all the prisoners and sentenced them to Imprisonment with hard labor

labor in irons for seven years under Clause
fourth Section IV Regulation XV of 1853.

5. The Court of Foujdaree Udalut having seen reason to question the propriety of the conviction of the ten prisoners above referred to directed that an English translation of the entire record should be laid before them..

6 On perusal of the evidence the Court of Foujdaree Udalut see strong reason to discredit the statements of the witnesses in regard to the apprehension of the 2d 3d 4th 5th 6th 7th 8th 9th 10th 11th prisoners..

7 Only one witness alleges that he kept the prisoners in sight from the time of their retreat from the prosecutor's house until they were captured and the statement of the others that they were guided in their pursuit by the noise made by the prisoners as they splashed through the paddy fields in their flight is altogether incompatible with the delay which it is clear from the evidence must have occurred after the retreat of the robbers before the pursuit commenced and which must have been more than sufficient to preclude the possibility of the prisoners being guided in the manner they allege

The

23d. March 1853.

8. The pursuing party moreover is stated to have consisted of about 20 persons so that according to the above account the robbers must have heard the noise made by them in crossing the river and would not therefore have halted and begun to wring their clothes at the spot where they are said to have been overtaken; nor does it appear credible that ten persons would have allowed themselves to be captured at night without making any attempt at resistance or escape as is alleged by the witnesses for the prosecution..

9 It is alleged by the prisoners that they were apprehended in a choultry in the village of Condoor where they had been for some time residing and it is to be regretted that the truth of this assertion has not been investigated.

10 The fact of the prisoners not having been brought into the Village till 10 A.M. is inconsistent with the story of their alleged capture at night..

11. The Court of Foujdaree Udalut accordingly resolve to direct that the 2d 3d 4th 5th 6th 7th 8th 9th 10th and 11th prisoners in this

case

case be unconditionally released..

Ordered that Extract from these proceedings be sent to the Sessions Judge of Combaconum by precept returnable within III days from and after its receipt..

(Sent following precept No )

Thursday 24th March 1853

# I C.

At a Court of the Foujdarry Adalut

Present..

G. S. Hooper Esquire
H. A. Morehead Esquire
I. L. Strange Esquire
} Puisne Judges.

Read Calendar of Cases No 5 of 1853 of the Sessions Court of Tellore (Territorial F.C. No 619 of 1850)

The Court of Foujdarry Adalut approve of the recommendation made by the Sessions Judge in this Case that the Prisoner in the Margin

Pothiri Lakshmigadu.. - named which the Prisoner in the Margin has been adjudged to suffer on his conviction of the Crime of House breaking and that he be confined to two years imprisonment with hard labour in irons and they do authorize the Sessions Judge to issue his warrant accordingly..

Ordered that Extract from these Proceedings be forwarded to the Acting Sessions Judge of Nellore for his information..

(Sent in No )

Read Miscellaneous Petition presented on 7th March 1853 by Ecoplakhand and

20 others on behalf of Zerrowkhan and Cassimsaib and 67 others of the Zillah of Coimbatore.

(Herewith Ltr to Dist Dt 37 of 1853)

Wm H. Morhead 1 The object of this Petition is to obtain a reversal of the Sentence of the Sessions Court of Coimbatore in Case No 7 of 1849 on the file of that Court by which the above 9 Prisoners were sentenced to imprisonment with hard labor in irons for 14 years.

2 The Court of Foujdaree Adalut fail to discover any thing in this Petition to invalidate the evidence on which the Lower Court has convicted the Prisoners.

3 This Petition is therefore rejected.

Ordered that Extract from these Proceedings be granted to the Petitioners on their application.

Read letter under date the 20th April 1853 from the Subordinate Judge in charge of the Sessions Court of Rajahmundry and its enclosures.

(Herewith Ltr No 550 of 1853)

1 The enclosure above noticed is a letter from the Subordinate Judge in which with reference to this Courts orders under date the 10th February directing the reappointment of



of P Vencatachary to his late office of Sheristadar of the Subordinate Court, that officer requests this Courts favorable consideration of the case of P Bhummielingum, the late Nazir of the Subordinate Court.

2 The Court of Foujdaree Adalut observe that the case of the late Nazir of the Subordinate Court has already been fully considered when his Pleader Mr Ritchie fully pleaded his cause before them.

3 The Court of Foujdaree Adalut therefore decline to pass any further orders than those already recorded.

Ordered that Extract from these Proceedings be sent to the Sessions Judge of Rajahmundry for his information and for communication to the Subordinate Judge.

(Sent 21st)

Circular instructions

The question has been submitted for the opinion of the Judges of the Foujdaree Adalut, whether it is competent to a Committing Officer, in Cases where the Evidence is not sufficient to afford a reasonable probability that it will suffice for the conviction of the accused, but

but when the suspicion raised by it against them is so strong as to render their unconditional release inexpedient to take depences and examine witnesses thereto before proceeding to make requisition of Security.-

2 The Court of Foujdaree Adalut have to observe that Section II Regulation XIII of 1832 restrict discretion in committing officers to take evidence on behalf of the accused and that this enactment has been rescinded by Section XXVIII Act VII of 1843; the exercise of the said discretion being thus withdrawn, the Law therefore as at present existing does not in their opinion allow of depences being taken under any circumstances before committing officers. It is at all times however in the power of the Sessions Judge to check any improper requisition of Security by ordering the commitment or release of such Prisoners as may have been so held to Security.-

Ordered that Extracts from these Proceedings be forwarded to the several Sessions Judges for their information and for communication to the Subordinate Judges and Principal Sudder Ameens within their Jurisdictions.-

Sentence &c.

Read



Read a letter under date the 11th March 1853 from the Sessions Judge of Coimbatore

(Interpreter's No. 624 of 1853)

In this letter the Sessions Judge requests to be informed whether the Magistracy and Police are vested with powers under the general Regulations to punish in Cases of Cattle trespass

2 The question above raised came before the Court of Foujdaree Adalut on a previous occasion and they resolved therefore to communicate to the Sessions Judge for his information and guidance the purport of the opinion they then gave upon it under date the 26th July 1851.-

3 The Court of Foujdaree Adalut observed that under the law as it now stands, neither the Village nor Taluk Police nor the Magistracy are empowered to imprison or fine the owners of Cattle which may have trespassed and in their opinion cases of this description can only be legally dealt with by the seizure of Cattle found Trespassing as always by the Village Police under Section VII Regulation XI of 1816 and by their destruction unless claimed by their owners.-

4 The securing and feeding of the Cattle when in the charge of the Village Police

will

will necessarily involve some expence and the Judges were of opinion that it rested with the Magistrates to decide, with reference to the means of claiming in their respective Districts what sums shall be paid before cattle once impounded shall be delivered up to their owners.-

To enforce compensation for any damages caused by the trespass the Judges consider that the party aggrieved must resort to the Court of the Village or District Moonsiff.-

Ordered that Extract from these proceedings be sent to the Sessions Judge of Coimbatore for his information.-

/Sent in Accr

Read letter under date the 7th March 1853 from the Sessions Judge of Tinnevelly.-

/Vide printed F.R. No 627 of 1853/

In his communication the Sessions Judge brings to notice that in the trials for perjury in Cases Nos 8 and 9 of 1853 he has omitted to take evidence to the correctness of the depositions upon which the charge is founded, and in Case No 9 to question the witnesses whether the prisoner therein also charged with perjury, had been duly affirmed and warned of the consequences of depraving falsely and requests the permission of the Court to correct the



the process in question by taking the requisite evidence.-

The Court of Foujdaree Adalut authorize the Sessions Judge to remedy the several omissions to which he adverts in his communication under notice.-

Ordered that Extract from these proceedings be sent to the Sessions Judge of Tinnevelly for his information.-

/Sent in Accr

Read Return dated 17th March 1853 from the Acting Sessions Judge of Salem to the precept of the Foujdaree Adalut under date the 17th March 1853 directing the unconditional release of the 2d Prisoner in Calendar No 28 of 1852.-

/Vide entry F.R. No 670 of 1853/

Read Calendar of Cases No 4 of 1853 submitted by the Sessions Judge of Madura under date the 16th March 1853.-

/Vide entry F.R. No 675 of 1853/

Read Return dated 15th March 1853 from the Sessions Judge of Mangalore to the precept of the Foujdaree Adalut under date the 7th March 1853 directing the Sessions Judge of Mangalore to review the proceedings in Case No 6 on the Criminal Report for the Month of January 1853.-

/Vide entry F.R. No 676 of 1853/

F. C.

Saturday
26th March 1853 } At a Court of the Foujdaree Udalut

Present

Hon'ble G. A. Cooper Esquire
W. A. Morehead Esquire
T. L. Strange Esquire
} Puisne Judges

---

Read letter under date the 15th Instt.

-ant from the Sessions Judge of Calicut, submitting for the final judgment of the Foujdaree Udalut the record of Case No 62 of 1852, on the Calendar of the Sessions Court.

(Here enter F. C. No 685 of 1853)

Mr W. A. Morehead
and
Mr T. L. Strange

The Court of Foujdaree Udalut, on a deliberate consideration of all the circumstances of the Case in evidence before them, being of opinion that the proof against the prisoner

Chatien Kegatayil Chapen

is sufficient to convict him of the crime of Murder, do convict him thereof; and under the provisions of Section X Regulation VIII of 1802, sentence him to suffer death by being hanged at the usual time and place of execution.

(Seal in No )

Read letter dated the 18th March 1853 from the Sessions Judge of Chittoor submitting, for

26th March 1853.

for the final Judgment of the Foujdaree Udalut the Record of Cases Nos 27 and 29 of 1852. of the Calendar of the Sessions Court.

(Here enter No 705 of 1853)

Mr G.S. Cooper

The Court of Foujdaree Udalut on a deliberate consideration of all the circumstances of the Case in evidence before them being of opinion that the proof against the Prisoner

"Hasee Row"

is sufficient to convict him of the crime charged do convict him thereof and under the provisions of Section XXXIII Act XVII of 1837 and Section XXXIV Act XII of 1843 sentence him to be imprisoned and Kept to hard labor in irons on the public roads or other public works for and during the period of (6) six months.

(Sent in No )

Read return under date the 9th Instant from the Sessions Judge of Cuddapah to the precept of the Foujdaree Udalut under date the 2d Instant conveying their remarks on the Criminal Reports for the Month of January 1853.

(Here enter F. R. No 617 of 1853)

Read return under date the 10th Instant from the Sessions Judge of Guntoor to the precept of the Foujdaree Udalut under date the



7th Instant directing the Sessions Judge to state whether the circumstance of an erroneous date having been affixed to the report by the Village Police was communicated to the Magistrate in Sessions Case No 3 of 1853.

(Here enter F. R. No 618 of 1853)

Read Calendar of Case No 103 of 1852 submitted by the Sessions Judge of Chittoor under date the 15th October 1852.

(Here enter F. R. No 623 of 1853)

Read Calendar of Case No 5 of 1853 submitted by the Sessions Judge of Calicut under date the 10th Instant.

(Here enter F. R. No 632 of 1853)

Read Calendar of Case No 1 of 1853 submitted by the Sessions Judge of Coimbatore under date the 3d Instant.

(Here enter F. R. No 633 of 1853)

Rs 1800

F.B.

Wednesday 30th March 1853 3. At a Court of the Fayduara Adalut

Present.

H.P.R. — G.S. Proper Esquire
W.A. Morehead Esquire
Well. — J.L. Stronger Esquire
} Provincial Judges

Read letter under date the 2d. Instant from the Agent to the Governor of Fort St. George at Madras submitting for the final orders of the Fayduara Adalut the record of Case No. 34 of 1852 on the file of his Court.

(Vide proceedings F.B. No. 376 of 1853.)

1 The Prisoner in this Case has been tried for the murder of her Child, and the Agent considered it to be proved that the act was committed by her: but on the ground of her having been of unsound Mind at the time she committed the act, he has acquitted her.

2 In recommending the release of the Prisoner, the Agent for reasons assigned proposes to make her over to her husband, certain precautionary measures being adopted to prevent a perpetration of the acts for which she has now been tried

The

2

The Court of Foujdaree Adawlut are of opinion that there is no satisfactory proof that the prisoner caused the death of her child and the Court accordingly direct the acquittal of the Prisoner

Macca

leaving it to the Agent with reference to the circumstances connected with the Case to take such steps as he may deem requisite for the safe custody of the Prisoner, should she again become insane.—

Ordered that a Extract from these Proceedings be sent to the Agent at Vizianagram for his information and guidance.—

/Sentence &c

/

Read Return dated the 21st March 1853 from the Sessions Judge of Cuddapah to the Register of the Foujdaree Adawlut under date the 2d March 1853 submitting explanations called for in reference to S.C. 36 on the Calendar of the Sessions Court for 1852.—

/Errs enter F.C. No. 713 of 1853/

Read Sick Return for the month of February 1853 submitted by the Sessions Judge of Combaconum under date the 19th March 1853.

/Errs enter F.C. No. 714 of 1853/

Read



Read letter dated the 23d Instant from the Sessions Judge of Bellary intimating that the Sentence passed in Case No. 23 of 1853 on the file of his Court has been reduced to 2 years imprisonment according to the instructions conveyed in the Proceedings of the Court of Foujdaree Adawlut of the 19th Instant.—

/Errs enter F.C. No. 725 of 1853/

Read Convict Labor Report for the Month of February 1853 under charge of the Magistrate, submitted by the Sessions Judge of Rajahmundry under date the 21st March 1853.—

/Errs enter F.C. No. 732 of 1853/

£3 18 0.

F 16

Thursday 31st March 1853

At a Court of the Fayduarre Adalut

Present

Hon'ble — G S Hooper Esquire — W A Morehead Esquire — I L Strange Esquire — Puisne Judges

Read letter, under date the 17th inst. from the Superior Judge of Trichinopoly reporting the escape of a prisoner.

(Interpreter F 16 P.P. 690 of 1853)

The Court of Fayduarre Adalut direct the Superior Judge to forward the Report required in such Cases by Circular Order Fayduarre Adalut P.P. 183 dated 6th January 1847.

Ordered that Extract from these proceedings be sent to the Superior Judge of Trichinopoly for his information by first possible opportunity & that after its receipt he send following process &c.

Read Miscellaneous Petition of Thiruvaiyaru Pillay, forwarded by the Superior Judge of Tinnevelly.

(Interpreter F 16 P.P. 305 of 1853)

The Petitioner being Prosecutor in

Hon'ble I L Strange

in Sessions Case No 5 of 1853 petitions against the release of the prisoners therein by the Sessions Judge of Tinnevelly.-

2 The acquittal of the prisoners by the Sessions Judge being a sentence that cannot by law be interfered with, the Court of Foujdaree Adalut are precluded from attending to the prayer of this petition which is accordingly rejected.-

Ordered that Extract from these proceedings be forwarded to the Sessions Judge of Tinnevelly for his information and for communication to the Petitioner.-

(Sentence &c

1 Read Miscellaneous petition presented on the 10th Instant by Parryatomby Padayanchee and another of the Gillah of Srichinopoly.-

(Serv. writer J. W. P. No 39 of 1853)

Mr W. & Morehead 1 The Petitioners pray with reference to their former petitions that the record connected with Sessions Case No 45 of 1852 on the file of the Gillah Court may be called for, and that after perusal of the same such decision may be passed by the Court of Foujdaree Adalut as may in their opinion be deemed just and proper.-

The



2 The Court of Foujdaree Adalut resolve to reject Petitioners to the orders passed on their Petition No 159 of 1852 and to reject this Petition.-

Ordered that Extract from these Proceedings be furnished to the Petitioners on their Application.-

Read Calendar of Cases No 42 of 1853 of the Sessions Court of Rajahmundry.-

(Serv. writer J. W. No 2990 of 1853)

Read also Miscellaneous Petition forwarded by the Sessions Judge of Rajahmundry from No 1 Proceedings under date the 23d February 1853.-

(Serv. writer J. W. P. No 30 of 1853)

Mr G. S. Cooper
Mr J. L. Strange 1 The Court of Foujdaree Adalut are of opinion that a Sentence of 3 years imprisonment with hard labor in irons will be adequate punishment for the offence of which the 1st Prisoner in this case has been convicted, and they resolve to call upon the Sessions Judge to reduce his Sentence accordingly.-

2 If unable to concur with the Court in the propriety of the mitigated Sentence now proposed, the Sessions Judge will be pleased to

to submit an English translation of the entire record of the Case for their consideration.-

Ordered that Extract from these proceedings be sent to the Supreme Judge of Rajahmundry by precept returnable within x days from and after its receipt.-

/Sent following Precept &c

Read letter dated 21st March 1853 from the Supreme Judge of Cuddapah submitting for the final judgment of the Foujdarree Adalut the Record of Case No. 340 of 1852 of the Calendar of the Supreme Court.-

/Read letter No 126 of 1853/

Mr H. D. Marshead
Mr T. L. Strange

The Court of Foujdarree Adalut on a deliberate consideration of all the circumstances of the Case in evidence before them, being of opinion that the proof against the Prisoners

1st G Soobbadoo

and

2d T Perroogadoo

is sufficient to convict them of the crimes charged do convict them thereof; and Sentence them to be transported to such place or places beyond Sea as the Governor in Council shall appoint, there to be imprisoned and kept to hard labor on the public roads or other public works for and during



during the period of their natural lives.-

The Court of Foujdarree Adalut

1

desire to be informed what notice has been taken by the Acting Magistrate of Cuddapah of the conduct of the Cummum and of the other persons who interfered to save the dead body of the deceased individual named Gurrapah, was attempted and whether any traces have been discovered of the said Gurrapah who is stated to have absconded.-

It is to be regretted that the Police

2

powers were not required by the Police to point out the spot in the jungle where they alleged that they had concealed themselves during the day of the murder and until they entered the house of Gurrapah.-

The Acting Magistrate will be

3

pleased to point out this omission to the Police.-

Ordered that Extract from these Proceedings be sent to the Supreme Judge of Cuddapah for his information by precept returnable within x days from and after its receipt.-

/Sent following precept &c

Read Calendar of Case No 2 of 1853 submitted by the Supreme Judge of Chicacole with date the 17th March 1853.-

Perrusal letter No 70 of 1853

Read

31st March 1853.

Read Calendar of Case No 5 of 1853 submitted by the Sessions Judge of Coimbatore under date the 3d March 1853.-

(Vera enter F.H. No 700 of 1853)

Read Calendar of Case No 2 of 1853 submitted by the Acting Sessions Judge of Nellore under date the 24th March 1853.-

(Vera enter F.H. No 710 of 1853)

Read Calendar of Case No 30 of 1853 submitted by the Sessions Judge of Bangalore under date the 23d March 1853.-

(Vera enter F.H. No 729 of 1853)

Read Calendar of Cases No 31 of 1853 submitted by the Sessions Judge of Coimbatore under date the 25th March 1853.-

(Vera enter F.H. No 731 of 1853)

Read Calendar of Case No 24 of 1853 submitted by the Sessions Judge of Bellary under date the 23d March 1853.-

(Vera enter F.H. No 731 of 1853)

Read Calendar of Case No 25 of 1853 submitted by the Sessions Judge of Bellary under date the 24th March 1853.-

(Vera enter F.H. No 737 of 1853)

Pd Rs.

F. H.

Saturday 2d April 1853. } At a Court of the Foujdaree Adalut

Present:

G.A. Hooper Esquire
H.A. Morehead Esquire } Puisne Judges
H.L. Strange Esquire

Read letter dated 10th March 1853 from the Sessions Judge of Mangalore submitting for the final Judgment of the Foujdaree Adalut the record of Case No 35 of 1853 of the Calendar of the Sessions Court.

(Vera enter F.H. No 649 of 1853.)

The Court of Foujdaree Adalut

Mr G.A. Hooper and Mr H.L. Strange

on a deliberate Consideration of all the Circumstances of the Case in evidence before them being of opinion that the proof against the Prisoners

1st Bangalore Venkta
2d Chanadiga
3d Ramaswamy
4th Kary Venkta

and

5th Nagai son Venkta alias Naga

is sufficient to Convict them of the Crime of Gang Robbery and that against the Prisoners

Venkty

8th Venkity

9th Devy

10th Hunoomy alias Lutchmy

13th Elly

14th Boolcoomary Jenimy

And

16th Chawdy

to Convict them of having received Stolen property knowing it had been acquired in the perpetration of Gang robbery do Convict them severally thereof and under the provisions of Clauses third and fifth Section IV. Regulation XV of 1803, Sentence the Prisoners

1st Bangalore Venkta

2d Chanandiga

3d Ramaswamy

4th Kary Venkta

And

6th Nagaiaon Venkta alias Naga

to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of [14] fourteen years and under the provisions of Clause Second Section IV Regulation VI of 1822, Sentence the prisoners

Venkte

2d April 1853.

8th Venkity

9th Devy

10th Hunoomy alias Lutchmy

13th Elly

14th Boolseeoomary Jemmy

And

16th Chawdy

to be imprisoned and kept to labor suitable to their sex for and during the period of [3] three years

And being of opinion that the Prisoners

7th Honoory

11th Jemmy

12th Podanay Venkity

And

15th Chamy

are not Convicted on presumptive proof or on the evidence of Credible witnesses or on their own Confession of the Crime Charged do acquit them thereof and direct that they be set at liberty.—

The Court of Foujdaree Adalut have been unable to Concur with the Sessions Judge in Considering the evidence sufficient for the Conviction of the 7th 11th 12th And 15th prisoners in this Case against whom nothing had

has been established but their Connexion with the other prisoners and the fact that Rupees 4 according to the evidence of the 13th witness was found secreted in the basket of the 7th prisoner.

The Court of Foujdaree Adalut have accordingly directed the unconditional release of the four prisoners above referred to.

Ordered that Extract from these proceedings be sent to the Sessions Judge of Mangalore for his information.

(Sent in No )

Read Calendar of Case No 23 of 1853 on the file of the Sessions Court of Bellary.

/Here enter F. H. No 701 of 1853/

The Court of Foujdaree Adalut direct that the Sessions Judge will submit a copy of the deposition given in this case by the Zillah Surgeon to be forwarded to Government with the report of the case.—

Ordered that Extract from these proceedings be sent to the Sessions Judge of Bellary by precept returnable within 14 days from and after its receipt.—

/Sent following precept No /

Ent Work

F. H.

Monday.
4th April, 1853.

At a Court of the Foujdaree Adalut

Present.

Hon'ble C. S. Cooper, Esquire
Hon'ble W. A. Morehead, Esquire
Hon'ble T. L. Strange, Esquire
} Puisne Judges

Read Miscellaneous Petition forwarded by the Sessions Judge of Rajahmundry, from P. Gungadoo, 3d Prisoner in Sessions Case No 25 of 1851, on the file of the said Zillah.—

/Here Enter Mis. P. C. No 47 of 1853/

Mr. T. L. Strange. 1. The Petitioner appeals against the sentence passed against him in the above Case, and prays that it may be cancelled, and his release directed by the Foujdaree Adalut.—

2. The Court of Foujdaree Adalut observe that the sentence objected to was passed so far back as the 30th August 1851 - after such a lapse of time, the Court decline admitting an appeal therefrom.—

Ordered

4th April, 1853.

Ordered, that Extract from these Proceedings be forwarded to the Sessions Judge of Rajahmundry for communication to the Petitioner.—

/Sent in No. /—

Read Miscellaneous Petition presented on the 24th February 1853 by Sashacellum, late peon of the Principal Sudder Ameen's Court of Chingleput.

/Here Enter F. M. P. No. 14 of 1853/—

Mr. W. B. Marshead. Petitioner complains of having been unjustly sentenced to 2 months' imprisonment with hard labour without irons by the Principal Sudder Ameen of Chingleput.—

2. Before issuing any orders in this case, the Court of Foujdaree Udalut resolve to call on the Sessions Judge to submit the records of the trial held in Petitioner's case in No. 64 of 1851 on the file of the Principal Sudder Ameen's Court.—

Ordered, that Extract from these Proceedings be sent to the Sessions

4th April, 1853.

Judge of Chingleput by precept returnable in 5 days from and after its receipt.—

/Sent following Precept No. /—

Read Miscellaneous Petition presented on the 24th February 1853 by T. Appiah Vattial on behalf of Chundrish Ballola and others of the Zillah of Mangalore.

/Here Enter F. M. P. No. 31 of 1853/—

Mr. G. S. Cooper. and Mr. T. L. Strange. Petitioners complain that a Goldsmith, a man of low caste has conducted a procession along a public road, (close to which there are two pagodas) with music &c. in opposition to customs of caste and usage.—

That the Magistrate has issued an order No. 85 of 1852 to the effect that any man might pass along a public road as he pleases.—

And that on appeal to the Acting Sessions Judge this Officer has ruled under date the 17th November 1852, that the matter is one for the Magistra

to

4th April, 1853.

to decide upon and that petitioners are at liberty to sustain their rights by a civil suit.—

2. The Court of Foujdaree Udalut direct the Session Judge to review the order of the Magistrate complained of, as the proceedings of the Acting Session Judge of the 17th November 1852 above referred to, shew that this has not been done.—

Ordered, that Extract from these Proceedings be forwarded to the Session Judge of Mangalore by precept returnable in V days from and after it's receipt.—

Sent following Precept No. 1—

Read letter under date the 16th ultimo from the Agent to the Governor of Fort St. George at Vizagapatam, submitting for the final orders of the Foujdaree Udalut a report on the trial of Cases No. 8 of 1853 on the file of his Court.—

Were enter F.Uc. No. 698 of 1853—

The

21

F.Uc.

4th April, 1853.

1. The Prisoners in this case have been tried for the crime of Robbery by open violence attended with aggravating circumstances, and the Agent being of opinion that the charge has been fully proved recommends that they be sentenced to seven years' imprisonment under Clause fifth Section IV Regulation XV of 1803.

2. The Court of Foujdaree Udalut concur in the conviction of the Prisoners,

1st Dundasy Ramayah.

and

2nd Seyary Cunnayah,

and accordingly direct that they be each sentenced to imprisonment with hard labor in irons for and during the period of seven years, and the provisions of the Regulation above quoted.—

Ordered, that Extract from these Proceedings be forwarded to the Agent to the Governor of

Fort

Fort St. George at Vizagapatam for his information and guidance.

/Sent in a No. /-

Read letter dated the 15th ultimo from the Sessions Judge of Rajahmundry, submitting a Report on the Escape of a Prisoner as required in the Proceedings of the Foujdaree Udalut of the 22d idem.

/Here Enter F.llc. No. 680 of 1853/-

Read Criminal Reports dated the 14th ultimo submitted by the Sessions Judge of Tellicherry for the month of February 1853.

/Here Enter F.llc. No. 682 of 1853/-

Read Criminal Reports dated the 15th ultimo submitted by the Sessions Judge of Honore for the month of February 1853.-

/Here Enter F.llc. No. 688 of 1853/-

Read Criminal Reports dated the 18th ultimo, submitted by the Sessions Judge of Calicut for the month



month of February 1853.-

/Here Enter F.llc. No. 691 of 1853/-

Read letter dated the 16th ultimo from the Sessions Judge of Calicut, forwarding statement shewing the amount realized by the Labor of Convicts for the 4th Quarter of 1852.

/Here Enter F.llc. No. 692 of 1853/-

Read Criminal Reports dated the 28th February 1853 submitted by the Sessions Judge of Chicacole for the month of February 1853.

/Here Enter F.llc. No. 693 of 1853/

Exd.
E.T.

F. H.

Tuesday 5th. April 1853. } At a Court of the Foujdaree Adalut.

Present.

The Hon'ble G. L. Hooper Esquire.
Hon'ble W. A. Morrishead Esquire } Puisne Judges.
Hon'ble T. L. Strange Esquire.

---

Read Criminal Reports Submitted by the Sessions Judge of Coimbatore for the month of February 1853.

(Here enter F. H. No. 672 of 1853)

Case No. 29. The Court of Foujdaree Adalut

requires a more detailed explanation of the grounds upon which the Suicide of the prosecutor's wife was attributed to the ill treatment she received at the hands of the prisoners in this Case than is contained in the Statement of Charge.

2. The Court of Foujdaree Adalut have observed that the Principal Sudr Ameen and Moofsee Sudr Ameen of Coimbatore are in the habit of resorting to requisition of Security in Cases in which a careful investigation could not fail to enable them to arrive at a decided opinion of the guilt and innocence of the accused

The

3.

The practice adverted to is strongly objectionable and the Court of Sudder Adalut direct that it be pointed out to the officers, that in most cases in which the evidence is pronounced insufficient for conviction the prisoner is entitled to a full acquittal and that in many in which strong suspicion is considered to exist the circumstances in evidence if carefully weighed would justify the full conviction of the accused.—

Ordered that Extract from these proceedings be sent to the Sessions Judge of Coimbatore for transmission to the Sessions Judge of [illegible] returnable within X days from and after its receipt.—

(Sent following precept &c.)

Rs 18.0.

Read return dated 15th January 1853 from the Sessions Judge of Rajahmundry to the precept of the Foujdaree Adalut under date the 6th January 1853 Conveying their observations on review of the Magistrates Petty Calendars for the 3d quarter of 1852.—

(Were enter F. R. No 144 of 1853)

Read statement submitted by the Sessions Judge of Tellicherry under date the



the 15th January 1853, of batta paid to Prosecutors and witnesses during the 2d half year 1852.—

(Were enter F. R. No 148 of 1853)

Read statement submitted by the Principal Sudr Ameen in Charge of the Sessions Court of Chingleput, under date the 19th January 1853 Showing the Amount realized by the labor of Prisoners for the 4th quarter of 1852.—

(Were enter F. R. No 153 of 1853)

Read statement submitted by the Sessions Judge of Combaconum under date the 1st January 1853, of batta paid to the Prosecutors and witnesses during the 2d half of 1852.—

(Were enter F. R. No 165 of 1853)

Read Return dated 22d February 1853 from the Sessions Judge of Chicacole to the precept of the Foujdaree Adalut under date the 15th February 1853 directing to annul the warrant of Sentence in Case No 12 of 1852 and to order all the prisoners to be respectively imprisoned for four years.—

(Were enter F. R. No 542 of 1853)

Read letter dated 1st March 1853 from the Sessions Judge of Chingleput reporting that no Cases to be reported on as required by the Circular

Circular letters dated 16th October 1844 and 21st January 1845 were pending last month before the Sessions Judge.

(Here enter F.R. No. 543 of 1853)

Read Criminal Report submitted by the Sessions Judge of Chittoor under date the 1st March 1853 for the month of February 1853. —

(Here enter F.R. No. 550 of 1853)

Read letter dated 1st March 1853 from the Sessions Judge of Cuddalore, reporting that no cases have been pending before the Sessions Court of Cuddalore for a period exceeding 25 days calculated from the date of commitment in February 1853. —

(Here enter F.R. No. 551 of 1853)

Read letter dated 24th February 1853 from the Sessions Judge of Honore forwarding Criminal Report B received from the Magistrate of Canara of a case disposed of in January 1853.

(Here enter F.R. No. 552 of 1853)

Read statement submitted by the Sessions Judge of Honore under date the 24th February 1853, of batta paid to the

5th April 1853.

Prosecutors and witnesses attending before the Sessions Court of Honore for the 2d half of 1852. —

(Here enter F.R. No. 553 of 1853)

Read return from the Subordinate Judge in Charge of the Sessions Court of Rajahmundry under date the 25th February 1853 to the precept of the Fouzdaree Adalut dated 22d February 1853 directing that full particulars of the case of the escaped Prisoners be furnished to the Court with the decision passed relative to the guard peons. —

(Here Enter F.R. No. 559 of 1853)

Read letter dated 2d March 1853 from the Acting Sessions Judge of Salem forwarding Copy of a letter from the Magistrate furnishing the date of the Prisoners apprehension in Case No. 3 of 1853.

(Here Enter F.R. No. 572 of 1853)

# T. U.

Wednesday 6th April 1853. At a Court of the Tongdaree Udalut.

Present

Sd/ G. L. Hooper Esqr. ——— Senior Judge.
Sd/ W. A. Morehead Esqr. ——— Junior Judge
Sd/ T. L. Strange Esqr. ——— Junior Judge.

---

Read letter under date the 8th February 1853 from the Subordinate Judge of Cuddapah.

(Here enter T. U. No: 385 of 1853)

The Subordinate Judge explains with reference to para: 20 of the Extract from the Minutes of Consultation dated the 15th November 1852 that only Raghy and Cumboo being required to be husked and cleaned before being issued to the Prisoners according to the scale of diet sanctioned in this Courts' circular instructions under date the 5th April 1850, the other grains, Rice and Cholum, have been served out as brought from the Bazar, and that if any uncleaned Cholum was eaten by the Prisoners it was either through their laziness or choice.

The Court of Tongdaree Udalut



have

have to point out to the Subordinate Judge that it is his duty to take the necessary measures to ensure the grain being properly prepared before it is cooked by the Prisoners.

3 With reference to para: 4 of the Subordinate Judge's letter, the Court of Fouzdaree Udalut notice that at the foot of Column 14, under the head "Deaths" in the annual return of Prisoners in the Cuddapah Jail in 1851, a note should have been appended showing the number of deaths from non natural causes.

4 The Court of Fouzdaree Udalut direct that copy of para: 15 of the Extract from the Minutes of Consultation referred to be sent to the Subordinate Judge in accordance with his request in para: 4 of his letter under notice.

Ordered that Extract from these Proceedings be forwarded to the Subordinate Judge of Cuddapah for his information.

(Sent in No.

Read again Calendar of Cases No. 24 of 1853 on the file of the Session Court of Cuddapah

(Here enter F. 26. No. 464 of 1853)

Read also return under date the 15th March 1853 and Supplemental return under date the 23d March 1853 from the Session Judge of Cuddapah

6th April 1853

to the precept of the Fouzdaree Udalut dated the 1st March 1853 requiring an explanation of the detention of the prisoners in the foregoing case previous to their commitment by the Head of District Police.

(Here enter F. 26. No. 659 and 716 of 1853)

The Court of Fouzdaree Udalut desire to be informed in what manner the Driffedar and Peons referred to in the Acting Magistrates return have been punished.

The information should obviously have been supplied in the Acting Magistrates return.

Ordered that Extract from these Proceedings be forwarded to the Session Judge of Cuddapah for communication to the Acting Magistrate by Precept returnable within x days from and after its receipt.

(Sent following precept No.

Read again Criminal Reports submitted by the Agent to the Governor of Fort St. George in Vizagapatam for the month of January 1853.

(Here enter F. 26. No. 50 of 1853)

Read also letter under date the 15th March 1853 from the Agent to the Governor of Fort St. George in Vizagapatam

(Here enter F. 26. No. 684 of 1853)

6th April 1853.

1. It appears from the Agent's letter that the prisoners in Case No 777 referred to in this Court's proceedings of the 5th March last was not convicted of the robbery laid to his charge but only of an assault and that therefore the case was disposed of under the provisions of Section VII Regulation X of 1816.

2. Under these circumstances it should have been stated in the sentence that the robbery charged against the prisoner had not been proved and that he was punished for the assault alone or if it appeared from the police proceedings that there was no evidence to support the charge of robbery the indictment should have been framed accordingly

Ordered that Extract from these Proceedings be forwarded to the Agent to the Governor of Fort St. George in Vizagapatam for his information and future guidance.

(Sent in No

Read letter under date the 10th March 1853 from the Session Judge of Mangalore.

(Here enter J. C. No 657 of 1853)

The Session Judge refers to Case No 6 on the Calendar of the Session Court for 1846, and requests this Courts instructions respecting the mode of disbursement to the Respondents in Appeal Suit No 184 of



J. C.

6th April 1853

of the sum of money payable to them under the Decree in the said Suit and which was embezzled by Ramapah the then Nazir of the Zillah Court

2. Previous to disposing of this reference the Court of Foujdaree Udalut resolve to call upon the Civil Judge as head of the office at the time when the money in question was misappropriated to offer any reasons he may have to adduce to absolve himself from responsibility for the money, especially as his Nazir was maintained in office without security, and the unusual course was taken of paying the money over to him in lieu of directly to the party having claim thereto.

3. The Court of Foujdaree Udalut furthermore call upon the Civil Judge to account for the above procedure, and to explain upon what voucher, if any, the payment in question was made

Ordered that Extract from these proceedings be forwarded to the Session Judge of Mangalore by precept returnable in 7 days from and after the receipt.

(Sent following precept No

Read Criminal Reports submitted by

by the Session Judge of Mangalore for the month of February 1853.

(Here enter F. C. No. 647 of 1853)

Case No. 16. The sentences passed in this case appear to the Court of Foujdaree Udalut to be severe and they accordingly direct that the Session Judge will review the proceedings and pass such orders thereon as he may deem proper reporting the same for the information of the Foujdaree Udalut.

Ordered that Extract from these Proceedings be forwarded to the Session Judge of Mangalore by precept returnable within ~~x~~ days from and after its receipt.

(Sent following precept No.

Read Calendars of Petty cases disposed of by the Magistracy of Gyanjam during the 4th Quarter of 1852.

(Here enter F. C. No. 641 of 1853)

Case No. 55. This case having been disposed of under the provisions of Section XII Regulation X of 1816 should have been entered in the monthly Criminal Reports of the Magistracy and not in the Calendar of Petty cases.

Ordered that Extract from these proceedings be forwarded to the Session Judge



of Chicacole for communication to the Magistrate of Gyanjam.

(Sent in No.

Read Criminal Reports submitted by the Session Judge of Madura for the Month of February 1853.

(Here enter F. C. No. 661 of 1853)

Case No. 1 Five prisoners in this case are charged with "having on the evening of the 1st "November 1852 beaten and assaulted the 1st "prisoners "sister Parin aged about 20 years in his house "situated at Ammapurty Village in Rama- "-phorry Taluk and thereby caused her death;" the crime charged being designated as "Murder" in the heading affixed to the statement of charge.

The Court of Foujdaree Udalut observe that the offence charged as stated in the charge does not constitute Murder there being no specification of the intent to kill, and it will therefore be the duty of the Session Judge to amend the indictment in the event of the case being committed to the Session Court and the evidence appearing sufficient to justify the trial of the prisoner on a charge of murder.

Ordered that Extract from these

Proceedings

Proceedings be forwarded to the Session Judge of Madura for his information.

(Sent in No.

Read Calendar of Case No. 9 of 1853 on the file of the Session Court of Cuddapah.

(Here enter F. Ve. No. 608 of 1853)

The Court of Foujdaree Adalut desire to be informed of the result of the communication which it appears has been made by the Session Judge to the Acting Magistrate with reference to this case.

Ordered that Extract from these Proceedings be forwarded to the Session Judge of Cuddapah by precept returnable within xx days from and after its receipt.

(Sent following precept No.

Read Calendar of Case No. 3 of 1853 on the file of the Session Court of Chicacole.

(Here enter F. Ve. No. 715 of 1853)

1. The prisoner in this case convicted of culpable Homicide has been sentenced to three years imprisonment with hard labor in irons.

2. Under all the circumstances of the case the Court of Foujdaree Adalut are of opinion that a sentence of one year's imprisonment will be amply



amply sufficient to meet the demands of justice and they authorize the Session Judge to amend his warrant accordingly.

Should the Session Judge dissent from the sentence above recorded he will be pleased to submit an English translation of the record for the consideration of the Foujdaree Adalut.

Ordered that Extract from these Proceedings be forwarded to the Session Judge of Chicacole by precept returnable within x days from and after its receipt

(Sent following precept No.

Read Calendar of Case No. 2 of 1853 on the file of the Session Court of Cuttack.

(Here enter F. Ve. No. 735 of 1853)

The Session Judge having dissented from the Futwa of his Mahomedan Law Officer as to the conviction of the 3d prisoner in this case the Court of Foujdaree Adalut observe that the trial must be referred in regard to all the prisoners tried and they accordingly resolve to direct that the sentence passed upon the 1st and 2d prisoners in this case be suspended and an English translation of the entire record submitted for their consideration together with

with the usual letter of reference.

Ordered that Extract from these Proceedings be forwarded to the Sessions Judge of Calicut for his information and guidance.

Section No.

Read Criminal Reports submitted by the Session Judge of Masulipatam for the month of February 1853

(Here enter F. C. No. 736 of 1853)

Cases Nos. 1 and 2.

1 In these cases one prisoner was charged with theft and with having escaped from custody; the property stolen being valued at 3 annas and on conviction on both charges has been sentenced for the theft to six months imprisonment with hard labor in irons and for the escape an additional sentence of three months imprisonment with hard labor in irons has been passed upon him.

2 Both these sentences appear to the Court of Foujdaree Adalut extremely severe and they direct that the Acting Session Judge will review the proceedings and pass such orders as he may think proper reporting the same for the information of the Foujdaree Adalut.

Ordered that Extract from these Proceedings be forwarded to the Acting Session

Judge



Judge of Masulipatam by precept returnable within days from and after its receipt.

(Sent following Precept No. 5

2d 1853.

F. U.

Thursday 7th April 1853 } At a Court of the Foujdaree Udalut

Present

Gft & Jail } G. L. Hooper Esquire
W. A. Morehead Esquire } Puisne Judges
H. L. Strange Esquire

---

Read again Miscellaneous

Petition presented on the 27th January 1853 by Gopaula Paradassy of the Zillah of Cuddalore.

(Hese Enter F. U. M. P. No 17 of 1853)

Read also Miscellaneous Petition presented on the 24th February 1853, by Gopaula Paradassy of the Zillah of Cuddalore.

(Hese enter F. U. M. P. No 32 of 1853)

Mr W. A. Morehead } Petitioner appeals against the order of the Sessions Judge of Cuddalore under date the 15th January 1852 declining to interfere with the decision of the Magistrate and referring the Petitioner to a Civil Suit for the recovery of his daughter from one Ayatal, to whom she alleges he had entrusted her.

The Court of Foujdaree Udalut observe that the order appealed against was passed in January 1852. This Petition is therefore rejected.

Ordered that Extract from these

2

these Proceedings be furnished to petitioner on his application.-

Read again Calendar of Cases Nos 15. 16 and 17 of 1853, on the file of the Sessions Court of Bellary.

(Here enter F. Co. No 437 of 1853)

Read also return under date the 11th March 1853 from the Sessions Judge of Bellary to the precept of the Foujdaree Udalut dated the 7th March 1853 directing that the foregoing Cases which had been remanded to the Subordinate Court should be called up to the Sessions Court for trial.-

(Here enter F. Co. No 631 of 1853)

Under the circumstances stated in the foregoing return from which it appears that in the three Cases above referred to being remanded to the Subordinate Criminal Court for disposal the prisoners concerned therein were sentenced by the Hindoo Judder Ameen to corporal punishment and released but that the 1st prisoner having been again committed to the Sessions Court on another charge of theft has been sentenced to 7 years Imprisonment with hard labor in irons, the Court of Foujdaree Udalut deem it unnecessary to direct that the Cases in question should



should be again committed to the Sessions Court.

2 The Sessions Judge however will be guided in future by the exposition of the Law conveyed to him in this Court's proceedings of the 7th Ultimo which he will be pleased to communicate to the Subordinate Criminal Judge with reference to the Sessions Court's proceedings of the 9th February last.-

Ordered that Extract from these Proceedings be forwarded to the Sessions Judge of Bellary for his information and for communication to the Subordinate Judge.-

(Sent in No )

Read report dated the 1st April 1853 submitted by the Sessions Judge of Rajahmundry of Cases pending before him on the 1st April 1853 for a longer period than XXV days.

(Here enter F. Co. No 775 of 1853)

Read Criminal Reports dated 29th Ultimo submitted by the Sessions Judge of Tinnevelly for the Month of February 1853.

(Here enter F. Co. No 776 of 1853)

Read Criminal Report dated 1st Ultimo submitted by the Agent to the Governor of Fort St. George at Kurnool for the Months of January (supplemental) and February 1853.

(Here enter F. Co. No 777 of 1853)

Read letter dated the 1st Instant from

from the Sessions Judge of Bellary forwarding copy of the Magistrates return to his proceedings of the 19th November 1852, held in reviewing the petty Callendars for the 3d quarter of 1852.

(Here Enter F. Uc. No. 778 of 1853)

Read Calendar of Case No. 26 of 1853 submitted by the Sessions Judge of Bellary under date the 1st Instant.

(Here Enter F. Uc. No. 779 of 1853)

Read return under date the 31st Ultimo from the Sessions Judge of Chicacole to the precept of the Foujdaree Udalut under date the 19th March 1853 directing that the A — report of Case No. 1 of 1853 of the Vizagapatam Criminal Report, be submitted for the consideration of the Court of Foujdaree Udalut.—

(Here Enter F. Uc. No. 780 of 1853)

Read letter dated 1st Instant from the Sessions Judge of Calicut stating that there is no case during the past month to be entered in the Report required by the Foujdaree Udalut circular Letter of 16th October 1844.

(Here Enter F. Uc. No. 781 of 1853)

Read report dated 1st Instant submitted by the Acting Sessions Judge of Nellore of cases pending for the Month of March 1853.—

Ed 180 (Here Enter F. Uc. No. 787 of 1853)

F Uc.

Saturday 9th April 1853. At a Court of the Foujdaree Udalut

Present

Sd/A — G. L. Cooper Esqre — Puisne Judge
W-de — W. A. Morehead Esqre — Puisne Judge
Ul — T. L. Strange Esqre — Puisne Judge

Read Criminal Reports submitted by the Session Judge of Combaconum for the month of February 1853.

(Here enter F. Uc. No. 645 of 1853)

Case No. 13. 1 The prisoner in this case charged with "Fraud" has been sentenced to pay a fine of Rupees 10 or in default to be imprisoned for 20 days under Section VII Regulation X of 1816.

The crime of fraud is not one 2 of those punishable by a fine under the Regulation quoted and the Court of Foujdaree Udalut accordingly resolve to direct that it may be explained of what offence the prisoner was actually convicted.

Case No. 14. In this case the two first pri 3. soners were charged with having been found in possession of stolen property knowing it to have been stolen, and the 3d prisoner a female with having

9th April 1853.

"having denied the statement made by her
"before the Mettoo Peon to the effect that she
"had obtained the property found in her
"house as mortgage, for the purpose of acquitting
"the 1st prisoner"

4. The Court of Fouzdaree Adalut direct that it be pointed out to the Acting Subordinate Judge and to the Police Officer by whom the case was committed that the denial charged against the 3d prisoner did not constitute an indictable offence and that she should have been charged with having been found in possession of the stolen property or with having been accessary to its concealment by the 1st prisoner.

Ordered that Extract from these Proceedings be forwarded to the Session Judge of Combaconum by precept returnable within x days from and after its receipt.

(Sent following precept No

2d 1853

F. C.

Tuesday
12th April 1853. } At a Court of the Fouzdaree Adalut.

Present

The Hon'ble G. S. Hooper Esquire
Hon'ble A. A. Morehead Esquire
Hon'ble T. L. Strange Esquire. } Puisne Judges.

Read Calendar of Case No 6 of 1853
on the file of the Session Court of the Zillah of Caliaut.
(Were enter F. C. No 741 of 1853)

In this case the 1st and 2d prisoners
were charged with having committed a Gang robbery
in the house of the 1st prosecutor on the night of
the 17th October 1852. The 3d prisoner with having
purchased some of the plundered property knowing
it to have been plundered. The 2d and 3d prisoners
further with having part of the plundered property
in their possession knowing it to have been plundered.

The 2d prisoner was further charged
2.
with having been convicted of Gang robbery in 1835,
and sentenced to 14 years imprisonment with
hard labor in irons and also to receive 195 lashes

The Mohomedan Law officer
3.
having convicted 3 prisoners of the Crimes severally
Charged

charged against them, the Sessions Judge con-
-curred in the Conviction of the 2d and 3d prisoners
and sentenced them to 14 years imprisonment with
hard labor in irons, under Clause 3 Section V
Regulation XX of 1803, and further sentenced the
2d prisoner to receive 195 lashes under Clause IV
Section II Regulation I of 1825, but Considering the
evidence insufficient for the Conviction of the 1st
prisoner, he has referred the trial, as regards that
prisoner for the decision of the Foujdaree Adalut.

4. The Court of Foujdaree Adalut ob-
-serve that this Case must be referred as regards
all the prisoners Charged, the Sessions Judge having
dissented from the Futwah of the Mohomedan
Law officer in regard to the Conviction of the 1st
prisoner and they accordingly direct that an
English translation of the entire record may be
submitted for their Consideration with the usual
letter of reference.—

Ordered that Extract from these
proceedings be forwarded to the Sessions Judge
of Cuttack for his information and guidance
by precept returnable within XX days from and
after its receipt.—

/ Sent following precept No /

Read





Read Calendar of Case No 11
of 1853 of the Sessions Court of Combaconum.
/ Recenter F. R. No 748 of 1853 /

1 Maurce mootto puttun.
2 Vencatachella puttun.

The Court of Foujdaree Adalut are
of opinion that a Sentence of Eight years imprison-
-ment for the offence of which the Prisoners in this
Case have been Convicted, and they resolve to
call upon the Sessions Judge to reduce his Sentence
accordingly.—

2. If unable to concur with the Court
in the propriety of the mitigated Sentence now pro-
-posed, the Sessions Judge will be pleased to
submit an English translation of the entire
record of the Case for their Consideration.—

Ordered that Extract from these
proceedings be sent to the Sessions Judge of
Combaconum for his information and guidance.
/ Sent in No /

Read again Calendar of Case No 35
of 1852 on the file of the Sessions Court of Combaconum.
/ Recenter F. R. No 2207 of 1852 /

Read again also Miscellaneous
petition presented on the 11th January 1853 by Lutchmee

and

and another of the Zillah of Chittoor.

/Here enter F.H.C. No. 9 of 1853/

Read also again return under date the 5th March 1853 from the Sessions Judge of Combaconum to the precept of the Foujdaree Adalut dated the 3d February 1853 directing the submission of an English translation of the record of the foregoing Case.—

/Here enter F.A. No. 587 of 1853/

Read also return under date the 26th March 1853 from the Sessions Judge of Combaconum to the precept of the Foujdaree Adalut under date 23d March 1853 directing the release of the prisoners 2 to 11 inclusive in Case No. 35 of 1852.

/Here enter F.H. No. 747 of 1853/

Mr. H. A. Morehead. 1 The Sessions Judge in the above

and return attempts to combat the grounds assigned

Mr. T. L. Strange. by the Court of Foujdaree Adalut for ordering the unconditional release of the prisoners above referred to and offers some remarks in support of his views of the Case.

2 The Court of Foujdaree Adalut see nothing in the Sessions Judges' return that would induce them to question the propriety of the Judgment passed by them in the Case referred to and they consider it is to be regretted that the Sessions Judge did not confine his return to a report of his having carried out the order issued to him.

Ordered that Extract from these proceedings be sent to the Sessions Judge of Combaconum for his information and future guidance.

/Sent in No. /

Read letter dated 1st April 1853 from the Agent to the Governor of Fort St. George at Vizagapatam submitting for the final Judgment of the Foujdaree Adalut the record of Case No. 1 of 1853 of the Calendar of the Agent's Court.

/Here enter F.H. No. 825 of 1853/

The Court of Foujdaree Adalut on

Mr. H. A. Morehead

a deliberate Consideration of all the circumstances of the Case in evidence before them being of opinion that the proof against the prisoner,

"Moochoo Samatarammiah"

is sufficient to convict him of the crime of Forgery do convict him thereof, and under the provisions of Clause first Section III Regulation VII of 1811 and Section XXXIV Act VII of 1843 sentence him to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of (4) four years.

/Sent following letter No. /

Read

Read Calendar of Case Nos 12 and 13 of 1853 submitted by the Session Judge of Combaconum under date the 6th April 1853.

/Here enter F. H. No 803 of 1853/

Read Calendar of Case No 14 of 1853 submitted by the Session Judge of Madura under date the 6th April 1853.

/Here enter F. H. No 809 of 1853/

Read Report submitted by the Acting Session Judge of Salem under date the 6th April 1853 of cases pending on the 31st March 1853 before him for a period in excess of 25 days calculated from the date of Commitment.—

/Here enter F. H. No 815 of 1853/

Read Criminal report submitted by the Session Judge of Salem under date the 28th February 1853 for the Month of February 1853.—

/Here enter F. H. No 817 of 1853/

Read return dated 6th April 1853 from the Session Judge of Salem to the precept of the Fouzdaree Adalut under date the 21st March 1853 directing that the sentence passed against the prisoner in Case No 6 of 1853 be reduced to three years.—

/Here enter F. H. No 818 of 1853/

Read



Read Calendar of Case No 1 of 1853 submitted by the Acting Session Judge of Masulipatam under date the 31st March 1853.

/Here enter F. H. No 820 of 1853/

Ex Note

Read Return dated 5th April 1853 from the Session Judge of Mangalore to the precept of the Fouzdaree Adalut under date the the 8th March 1853 calling for explanation as to why the extended powers conferred upon the Magistrate of Section XIV Act VII of 1843 were called into exercise in the disposal of the case entered in the Report B.—

(Here enter F. H. No 826 of 1853)

12th Day 1853

F.C.

Wednesday
13th April 1853

At a Court of the Foydarre Adalat

Present

G. S. Cooper Esquire
W. A. Morehead Esquire
I. Le Strange Esquire
} Puisne Judges.

Read letter under date the 31st March 1853 from the Sessions Judge of Sumeerully forwarding English translations of the proceedings of Cases Nos 798 & 799 of 1853 on the file of the Sessions Court of Sumeerully (Perreputtur F.C. Nos 798 & 799 of 1853)

Read again also Calendar of Cases Nos 10 of 1853 on the file of the Sessions Court (Perreputtur F.C. Nos 630 of 1853)

Before finally disposing of the foregoing Cases the Court of Foydarree Adalut reserve to direct that English Translations of the proceedings connected with the charge of Murder not preferred the prosecution for perjury above may be submitted for their consideration together with such explanations as may be necessary to shew the circumstances under which the information for Perjury were laid.

The Court of Foydarree Adalut further

further direct that English Translations of the records of Case Nos 10 and if any other cases connected with these prosecutions in which convictions have been obtained may be laid before them.-

Ordered that Extract from these proceedings be sent to the Sessions Judge of Ganjam by precept returnable within XX days from and after its receipt.-

/ Sent following precepts &c. /

Read letter dated the 10th March 1853 from the Agent to the Governor of Fort St George at Vizagapatam submitting records in case No 26 of 1853 for the decision of the Sudder Adalut.-

/ Serrs Inter. F St No 801 of 1853 /

Mr G S Cooper.-

The Court of Sudder Adalut on a deliberate consideration of all the circumstances of the case in evidence before them being of opinion that the proof against the prisoner

"Colloroo Cristiah"

is sufficient to convict him of the crime of Forgery, do convict him thereof; and under the provisions of Clause first Section III Regulation VII of 1811, Clause third Section XIII Regulation XV of 1803 and Section XXXIV Act VII of 1843 sentence him to be imprisoned for seven years, and to be banished during the period of this sentence from the District in which his place of abode is situated, and kept to hard labor in irons on the public roads or other public works in the Zillah of Masulipatam.-

/ Sent as &c. /

Read letter under date the 29th March 1853 from the Agent to the Governor of Fort St George at Vizagapatam submitting the records in Case No 10 of 1852 for the decision of the Sudder Adalut.-

/ Serrs Inter. F St No 800 of 1853 /

Mr G S Cooper.-

The Court of Sudder Adalut on a deliberate consideration of all the circumstances of the case in evidence before them being of opinion that the proof against the prisoners

1st Corlanpoo Coormiah

2d Colloroo Cristiah

and

3d Pounoogunty Suggamah

is sufficient to convict them of the crime of Forgery do convict them thereof; and under the provisions of clauses first and third Section III Regulation

Regulation XII of 1816 and Section XXXIV Act VII of 1843 sentence the prisoner

3rd Pannoogunty Suggamah

to be imprisoned and kept to labor suitable to her sex for and during the period of (2) Two months the prisoner

1st Carlampoo Coremiah

to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of one (1) month and the prisoner

2nd Collooroo Cruttiah

having been already sentenced in Case No 26 on the Vizagapatam Calendar for 1852 no further sentence is required to be passed upon him in this case.-

(Writ issued &c

Read again Calendar of Case No 11 of 1852 on the File of the Session Court of Rajahmundry.

(Here enter F. No. No 900 of 1852)

Read again also Miscellaneous Petition forwarded by the Session Judge of Rajahmundry from P. Vencatacharloo prisoner in the foregoing Case and late Sheristadar in the Subordinate Court of Rajahmundry.

Here



(Here enter F. No. No 52 of 1852)

Read again also Return under date the 11th June 1852 and Supplemental Return under date the 19th June 1852 from the Subordinate Judge of Rajahmundry to the Precept of the Foujdaree Adalut dated the 1st June 1852 directing the submission of the record of the foregoing case and requiring an explanation of the suspension of the sentence passed thereon.

(Here enter F. No. Nos 1459 and 1570 of 1852)

Read again also Miscellaneous Petition presented on the 8th December 1852 by J. Auchterlony Esquire Vakeel on behalf of P. Vencatacharloo late Sheristadar in the Subordinate Court of Rajahmundry.

(Here enter F. M. P. No 165 of 1852)

Read again also return under date the 19th February 1853 from the Subordinate Judge in charge of the Session Court of Rajahmundry to the Precept of the Foujdaree Adalut dated the 10th February 1853 directing the restoration of P. Vencatacharloo to the office of Sheristadar in the Subordinate Court of that Zillah.

Here

/Here enter P. Co. No. 508 of 1853/

Read also return under date the 22d March 1853 from the Session Judge of Rajahmundry to the Precept of the Foujdaree Adalut dated the 10th March 1853 calling for his opinion regarding the several matters referred to in the foregoing return of the Subordinate Judge.

/Here enter P. Co. No. 721 of 1853/

Read also letter of the same date from P. Irvine Esquire late Subordinate Judge of Rajahmundry stating his opinion as to the qualifications of P. Vencatacharloo late Sheristadar in the Subordinate Court of Rajahmundry.

/Here enter P. Co. No. 711 of 1853/

W. G. S. Hooper.
W. H. A. Morehead
W. T. L. Strange.

1. Adverting to the very favorable opinion recorded by Mr. Irvine and by other Officers under whom P. Vencatacharloo has served as to his qualifications for the Office of Sheristadar, the Court of Foujdaree Adalut resolve to direct that their orders of the 10th February last directing the restoration of the individual to his former situation be carried into effect forthwith.



2. In the opinion of the Court of Foujdaree Adalut it is to be regretted that Mr. Irvine should have adverted in his letter to the returns made by the Session Judge which had not been officially communicated to him and which were not relevant to the point upon which his opinion was called for by the Court of Foujdaree Adalut. The manner in which Mr. Irvine has thought fit to animadvert on Mr. Anstruther's proceedings was under any circumstances altogether unbecoming a communication addressed by him to the Court of Foujdaree Adalut.

Ordered that Extract from these Proceedings be sent to the Session Judge of Rajahmundry by precept returnable within 11 days from and after its receipt.

Ordered also that Extract from these Proceedings be sent to P. Irvine Esquire late Subordinate Judge of Rajahmundry for his information and further guidance.

/Sent following precept No. 5/

E. de Thos W

F. 11.

Thursday — 14th April 1853 } At a Court of the Fouzdaree Adaulut.

Present.

Q. S. Hooper Esquire
W. A. Morehead Esquire } Puisne Judges.
F. L. Strange Esquire

Read again Calendar of Case No 7 of 1852 on the file of the Session Court of Chittoor.

/ Here Enter P. R. No 1806 of 1852 /

Read also Miscellaneous Petition presented on the 29th September & 1st October and 16th October 1852 by Lutchme Ummal Cootty Ammay Lutchme Ummay and Moottammal relatives of the 3rd 4th 7th and 9th Prisoners in the foregoing Case.

/ Here Enter P. R. Nos 131, 132, 133, 136, 144 145 and 146 of 1852. /

Read also return under date the 4th December 1852 and Supplemental return under date the 15th March 1852 from the Session Judge of Chittoor to the precept of the Fouzdaree Adaulut

dated

F. 26.

Friday
15th April 1853

At a Court of the Fonjdaree Adalut

Present

Sfld — G. S. Hooper Esqr
W-dl — W. A. Merchant Esqr
Dl — T. L. Strange Esqr
} Puisne Judges

Read letter dated 6th Instant from the Sessions Judge of Madura, submitting for the final judgment of the Fonjdaree Adalut record of Case No 11 of 1853 of the Calendar of the Sessions Court.

(Here enter F. 26. No 810 of 1853)

Mr G. S. Hooper
and
Mr T. L. Strange

The Court of Fonjdaree Adalut on a deliberate Consideration of all the circumstances of the case in evidence before them being of opinion that the prisoner,

Lungily

is not convicted on presumptive proof or on the evidence of credible witnesses, or on his own confession, of the crime charged, do acquit him thereof, and direct that he be set at liberty.

(Sent in Mr )

Read.

Read Calendar of Case No 107 of 1853 of the Sessions Court of Calicut.

(Here enter Ft No. 1742 of 1853)

Mr G. S. Hooper
and
Mr T. L. Strange

The Court of Foujdaree Udalut after perusal of the recommendation made by the Sessions Judge in this Case that the imprisonment, which the Prisoner noted in the margin has been adjudged to suffer on his conviction of the Crime of Gang robbery, and receiving and possessing stolen property with a guilty knowledge be reduced to eight years imprisonment with hard labor in irons, and they do authorize the Sessions Judge to issue his warrant accordingly.

1 Property

Ordered that Extract from these Proceedings be sent to the Sessions Judge of Calicut for his information.

(Sent in No)

Read Calendar of Case No 108 of 1853 of the Sessions Court of Tinnevelly.

(Here enter Ft No. 1752 of 1853)

The Court of Foujdaree Udalut after perusal of the recommendation made by the Sessions Judge in this Case that the imprisonment which the prisoner noted in the margin has been

Null & annul



adjudged to suffer on his conviction of the Crime of house breaking with theft be reduced to one year's imprisonment with hard labor in irons and 75 lashes with the Cat o nine tails and they do authorize the Sessions Judge to issue his warrant accordingly.

Ordered that Extract from these Proceedings be forwarded to the Sessions Judge of Tinnevelly for his information.

(Sent in No)

Read again Calendar of petty Cases disposed of by the Magistracy of Malabar during the 3d quarter of 1852.

(Here enter Ft No. 1707 of 1853)

Read also return under date the 19th March 1853 to the Precept of the Foujdaree Udalut under date the 7th March 1853 conveying the Courts observations on the foregoing Calendar.

(Here enter Ft No. 1740 of 1853)

With the above return the Sessions Judge has submitted a return from the Magistrate from which it appears that the fine imposed upon the prisoner in Cases Nos 167 & 168, had reference to the assault proved against him in

the

the former Case thereto to his refusal to obey the summons issued for apprehension, of which he was convicted in the latter Case.

2 Under these Circumstances the Court of Sessions Calicut will not interfere with the sentence and will merely observe, that the act charged in No 1 was not punishable as a Crime or Offence.

Ordered that Extract from these Proceedings be furnished to the Sessions Judge of Calicut for transmission to the Magistrate of Malabar.

(Sent in No )

Read Calendar of petty Cases Committed by the Magistracy of Manalpoot under the provisions of Clause I Section III Regulation II of 1822 and Section VI Regulation VI of 1827, during the 3d quarter of 1853 and passed by the Sessions Judge.

(Forwarded Ltr. No 774 of 1853)

1 In this Case the prisoner is charged with having made a hole in the house and having stolen therefrom property to the value of Rupees 1841 and has been



by the Assistant Magistrate to Commitment to Jail for a period of four years.

2 The Court of Sessions Calicut observe that the matter alleged against the prisoner amounts to a positive charge, on which he could be found guilty or not guilty.

3 They resolve therefore to call for explanation, as to the circumstances which may have been considered to bring this Case under the operation of Clause I Section III Regulation II of 1822.

Ordered that Extract from these Proceedings be sent to the Sessions Judge of Masulipatam for communication to the Magistrate by Precept returnable within 10 days from and after its receipt.

(Sent following Precept No )

Read Calendar of Cases No 13 of 1853 submitted by the Sessions Judge of Calicut under date the 8th April 1853.

(Forwarded Ltr. No 842 of 1853)

Read Statement dated 31st March 1853 from the Sessions Judge of Chingleput, shewing the amount realized by the labour of prisoners in

prisoners in the Gaol of Chingleput for the 1st Quarter 1853.

(Here enter F.H. No 783 of 1853)

Read letter dated 9th April 1853 from the Sessions Judge of Chingleput, offering explanation for non entry in the Monthly Gaol Return of No 783 on the file of the Subordinate Criminal Court for 1852 which was committed to the Sessions Court on the 23rd December 1852.

(Here enter F.H. No 345 of 1853)

Read letter dated 8th April 1853 from the Sessions Judge of Cuddapah transmitting the warrant signed for the execution of the sentence of death passed on the Prisoner in Case No 120 1853 on the Calendar of the Sessions Court

(Here enter F.H. No 344 of 1853)

Sc. H.C.



F. H.

Saturday — 16th April 1853 } At a Court of the Foujdaree Adalut.

Present

The Hon'ble G. S. Cooper Esqre
The Hon'ble W. A. Morehead Esqre
The Hon'ble T. L. Strange Esqre
} Puisne Judges

Read Reports of Cases disposed of by the Magistracy of Canara under the provisions of Section X Regulation VII of 1816 during the month of February 1853.

(Here enter F. H. No 722 of 1853.)

1 In this case the prisoner was charged with having stolen the sum of Rupees 4-12-0 from the shop of the Prosecutor and was sentenced by the Magistrate to 3 months imprisonment with hard labor in irons, under Section VII Regulation X of 1816.

2 The Court of Foujdaree Adalut observe that the theft appears to have been a petty one, such as a District Head of Police might have disposed of. It is not shown, why so heavy a sentence should have been passed therein.

3 They therefore resolve to call for explanation on this point and to direct

direct that the Sessions Judge will review the proceedings and pass such orders thereon, as he may think proper, reporting the same for the information of the Tonjore Vedalut.

Ordered that Extract from these Proceedings be sent to the Sessions Judge of Mangalore for his information and guidance by precept returnable within XV days from and after its receipt.

(Sent following Precept No. )

Read Calendar of Cases No 8 of 1853, on the file of the Sessions Court of Cuddalore

(Here enter F. R. No. 786 of 1853.)

In this case the prisoner was charged with having stolen from an Almirah (while it was open) in the Prosecutors Choultry, documents etc. to the value of 2136-8-0. He was further charged with having had in his possession 2 documents for 100 Rupees, being part of the stolen articles, knowing them to be such. The Sessions Judge remanded the case for disposal by the Principal Sudder Ameen, on the ground that the case was one of simple theft, that the value of the 2 documents was under 300 Rupees

(and



and that there was nothing to shew, that documents to the amount mentioned in the charge had been stolen by the Prisoner.

The Court of Sudder Vedalut observe, that although the amount of stolen property found upon the Prisoner amounted to less than 300 Rupees, the value of the property stolen, is stated by the Prosecutor to be above 2000 Rupees and the evidence of the 6th, 8th, 9th, 10th, 11th and 12th witnesses, goes to prove that such was the case. They therefore consider, that the Sessions Judge should have tried the case and that his remanding it to the Criminal Court, was irregular and improper.

Ordered that, Extract from these Proceedings be sent to the Sessions Judge of Cuddalore, for his information and guidance.

(Sent in No.

Read Calendar of petty Cases disposed of by the Joint Magistrate of Malabar for the 4th Quarter of 1852.

(Here enter F. R. No. 788 of 1853)

The Court of Tonjore Vedalut observe, that in cases No. 1 and 2, the charges against the prisoners are not entered further than by a reference to a former No. in the Statement

16th April 1853.

Statement No. 1 for the 3d quarter of 1852 - This is incorrect, the charges & Points be regularly entered as before -

Ordered that Extract from these proceedings, be forwarded to the Sessions Judge of Tellicherry, for his information and for communication to the Joint Magistrate of Malabar -

(Sent in No.

Read Miscellaneous Petitions presented on the 16th Instant by M. Ivo Poomala Cherry Vakeel on behalf of Venantara Ody and Timma Reddy, appellants against their relatives the 1st and 2d Prisoners in Case No. 87 of 1852, on the file of the Sessions Court of Cuddalapoth.

(Here enter F. No. 8 pp. 55-56 of 1853)

M. W. Morehead and W. T. Le Strange.

The Court of Fouzdaree Adalut being of opinion, that all the Prisoners in the above Cases, pending the reference to this Court, should be admitted to bail direct, that under the provisions of Section XI Regulation X of 1824, the subordinate Judge be instructed to release them, on good and sufficient security, being given for their appearance when required.

Ordered that Extract from these Proceedings be sent to the Sessions

F. H.
16th April 1853.

Judge of Cuddapah, by Precept returnable within 7 days from and after its receipt - (Sent following Precept No.

Read Report of Cases pending before the Sessions Court of Cuddapah for more than 25 days on the 31st March 1853. -

(Herewith enter F. H. No. 796 of 1833)

Case No. 87 of 1852 -

The Court of Fouzdaree Adalut require an explanation of the lengthened delay which occurred in the completion of the trial of this case in which it is observed that seven days were occupied in the examination of the prisoners witnesses -

The Sessions Judge will also be pleased to state what causes prevented the immediate transmission of the records of the cases noted in the margin the fair translation of which had been prepared at the date of this report -

Cases No. 27, 58 and 52 of 1852

Adverting to the number of cases set down for reference the Court of Fouzdaree Adalut resolve to direct that for the present the usual marginal references

references to the pages of the record) re-
ferred to be omitted by the Sessions Judge
from his letter of reference—

Ordered, that Extract from
these Proceedings be sent to the Sessions
Judge of Cuddapah by precept return-
able within 14 days from and after the
receipt—

(Sent following Precept No.

Read Calendar of Cases No.7
of 1853, submitted by the Sessions Judge
of Chittoor, under date the 28th Ultimo.

(Here enter F. R. No. 855 of 1853)

Read Criminal Report B
dated the 9th Instant, submitted by the
Principal Sudder Ameen of Tellicherry
for the month of March 1853.—

(Here enter F. R. No. 861 of 1853)"

Ex. Thotts

+

F. R.

Tuesday
19th. April 1853. } At a Court of the Foujdaree Adalut.

Present.

The Hble. G. L. Hooper Esquire.
" H. N. Morehead Esquire } Puisne Judges.
" T. L. Strange Esquire.

Read letter dated 3rd. April
1853 from the Agent to the Governor in
Vizagapatam submitting for the final Judg-
ment of the Foujdaree Adalut the record of
the Case No. 4 of 1853 on the Calendar.—

(Here enter F. R. No. 846 of 1853)

The Court of Foujdaree Adalut

Mr. G. L. Hooper
and
Mr. H. N. Morehead

on a deliberate consideration of all the circumstances
of the case in evidence before them being of
opinion that the proof against the prisoner
"Pydiboo Appayah"
is sufficient to convict him of the Crime
of aggravated Manslaughter for which the penalty
of Deyat is awardable under the Mahomedan
Law as declared in Futwahs of their Law officers
do convict him thereof; and under the
provisions

provisions of Section XI Regulation VIII of 1802
Sentenced him to be imprisoned and kept
to hard labor in irons on the public roads
or other public works for and during the
period of [7] Seven years.—

On Consideration of the circum-
stances under which the blow was inflicted
which caused the death of the deceased it
appears to the Court of Foujdaree Adalut to be
doubtful whether in striking the fatal blow
it was the intention of the Prisoner to take the de-
ceased's life and there seems reason to
believe that the deceased might not have died
had rest been allowed to him and proper
remedies applied immediately after the
infliction of the blow the Court have convicted
the prisoner of the Serious offence of aggravated
Manslaughter And have sentenced him to
Seven years Imprisonment with hard
labor in irons.—

Ordered that Extract from
these proceedings be sent to the Agent to
the Governor of Fort St. George in Vizagapatam
for his information.

(Sent in Pc

19th April 1853.

Read again Calendar of Case No
16 of 1852 on the file of the Sessions Court of Chicacole
(Here enter F. No. No 101 of 1853)

Read also return under date the
26th March 1853 from the Sessions Judge of
Chicacole to the precept of the Foujdaree Adalut
dated the 9th March 1853 directing the transmission
of an English translation of the record of the
foregoing case

(Here enter F. No. No 765 of 1853)

The 1st 2d and 3d prisoners in
the present case were charged with having broken into
the premises & taken thence articles valued at
Rupees 12-9— and further with having been
found in possession of a portion of the stolen property

The 1st and 2d prisoners were also
charged with having been previously convicted on
2. Charges of Robbery and Theft.

The 1st prisoner was charged
3. with having received and melted a portion of
the stolen property knowing it to have been
stolen.— The evidence was to the effect
4. that

that five days after the Commission of the burglary the prosecutor received information from the 1st witness of his having a few days before observed the 1st prisoner in the act of bringing some articles of property which he had afterwards dug up and buried in another place and which when produced were identified by the prosecutor as his property.—

5. The 1st prisoner it would appear was then apprehended and on his implication the 2d and 3d prisoners and subsequently the 4th were taken into Custody.

6. The 1st and 3d prisoners are stated to have confessed before the Head of Police and to have given up a small sum of money less than three Rupees in all and the 2d prisoner to have admitted the receipt from the other prisoners of an iron Crow bar which he gave up to the Police denying at the same time all concern or knowledge of the robbery

7. The 4th prisoner is stated to have confessed to the prosecutor having purchased from the 1st and 2d prisoners a portion of the stolen property which he had afterwards melted up, but it would



would appear from the evidence that before the Head of Police he denied all knowledge of the Crime — No deposition however purporting to have been taken from him is to be found among the Police proceedings

The Sessions Judge in concurrence with the Mahomedan Law officer convicted the 1st 2d and 3d prisoners and sentenced them severally to seven years imprisonment with hard labor in irons with a recommendation that in the case of the 3d prisoner the period of imprisonment prescribed by Section XXI Regulation VII of 1802 should be reduced to three years. The 4th prisoner has been placed under security of the 2d record

8. On an attentive perusal of the record of the Court of Sudder Adalut are unable to concur with the Sessions Judge in considering the evidence sufficient for the conviction of any of the prisoners charged.

9. It appears that the prosecutor gave no information that a theft had been committed on his premises until the 5th day after the alleged occurrence when he brought forward information respecting it as derived from the 1st witness. The Court of Sudder Adalut can attach no credit to the statement made by the

the 1st witness as to the manner in which he became acquainted with the 1st prisoner's complicity in the Theft, the statement made by him is very improbable and he is shewn to have had a recent quarrel with the 1st prisoner who is a relative of his own. —

11. The 2d witness is described to have been present when the 1st witness made his communication to the Prosecutor, but the statements made by him before the police and Sessions Court as to the circumstances under which he first acquainted with the prosecutor; and the 1st witness are so discordant as to throw discredit upon the whole narration not to Confirm the suspicion raised by the evidence of the 1st witness that the charge preferred was a Concocted one. —

12. The only matter adduced against the 1st 2d and 3d prisoners in addition to their Confessions before the Police is that the Generality gave the sum of money Amounting in all to Eight Rupees 3 Rupees represented to have been proceeds of the stolen property and that the 2d prisoner



gave 4 in Number of the value of 6 annas each as having been received by him from the others. The possessions of the money in itself is not

13. affords no evidence against the Prisoners and before the Head of Police they denied that it was the proceeds of plunder. And in the face of the suspicious circumstances attaching to the Case the Court of Sujdaree Adalut do not consider the alleged production by the 2d prisoner of the Amount referred to sufficient for his Conviction. —

Against the 4th prisoner

14. there is only the uncorroborated statement of the prosecutor to the effect that he had Confessed to him his complicity in the crime.

The Court of Sujdaree Adalut

15. accordingly resolve to reverse the Sentences passed upon the 1st 2d and 3d prisoners and to direct their unconditional release as well as that of the 4th prisoner. —

Ordered that Extract from these proceedings be sent to the Sessions Judge of Ahmednuggur by precept returnable within 15 days from and after its receipt.

Sent following precepts &c

Read

Read Criminal report submitted by the Session Judge of Chingleput under date the 15th April 1853 for the month of March 1853.

(Here enter J. Dc. No. 864 of 1853)

Read Calendar of case No. 29 of 1853 submitted by the Session Judge of Bellary under date the 14th April 1853.—

(Here enter J. Dc. No. 870 of 1853)

Read return dated 14th April 1853 from the Session Judge of Coimbatore to the precept of the Foujdaree Adalut under date the 5th April 1853 requiring more detailed explanation of the grounds upon which the suicide of the Pounders wife was attributed to the ill-treatment she received at the hands of the Prisoners in Criminal Case No. 29 of 1853 than is contained in the Charge.

(Here enter J. Dc. No. 872 of 1853)

Read Statement submitted by the Subordinate Judge of Combaconum under date the 1st April 1853 shewing the amount realized by the labor of Prisoners in the 1st quarter 1853.

(Here enter J. Dc. No. 875 of 1853)

Read Extract from the Sessions Judge of Honore under date the 11th April 1853



reviewing the Petty Calendars of Cases disposed of by the Magistracy during the 4th quarter of 1852.

(Here enter J. Dc. No. 876 of 1853)

Read return dated 11th April 1853 from the Session Judge of Mangalore to the precept of the Foujdaree Adalut under date the 6th April 1853 directing the Session Judge to review the proceedings in Case No. 16 on the Criminal report for February last and pass such Orders thereon as he might deem proper.

(Here enter J. Dc. No. 877 of 1853)

Ent'd Watt

Thursday
21st April 1853.

F. G.

At a Court of the Sujdaree Adalut.

Present

Sjtt C. S. Hooper Esquire
Jr ditt W. H. Morehead Esquire } Puisne Judges.
ditt T. L. Strange Esquire

Read Miscellaneous Petition presented on the 7th March 1853 by T. Appiah Tahsildar on behalf of Pappoodan Namboodripad and another, of the Zillah of Calicut.

(Here Enter Sjt Jr Pr No 36 of 1853)

Petitioners complain of the order of the Session Judge under date the 22d December 1852, declining to interfere with the decision of the Magistrate (because the case was of a Civil nature) confirming an award of the Tahsildar conferring the management of his Pagoda on one Para Nat Nambodry.

The Court of Sujdaree Adalut.

2. require the Session Judge to explain what authority the Tahsildar and the Magistrate had for interfering in this case. Seeing it was one which he has deemed not to be cognizable by himself, and to

Hon T. L. Strange J.

to forward copies of the decisions of the said functionaries.

Ordered that Extract from these proceedings be sent to the Sessions Judge of Chingleput by Precept returnable in VII days from and after its receipt.-

(Sent following Precept No.

Read again Calendar of case No 5 of 1852 on the file of the Sessions Court of Chingleput.-

(Here Enter Fl. No 1435 of 1852)

Read also Miscellaneous Petition presented on the 14th March 1853 by Tenderabamen of the Zillah of Chingleput.-

(Here Enter Fl. Mi. No 41 of 1853)

Mr. W. H. Morehead. Petitioner appeals against the sentence passed in the case above recorded against the prisoner, who is her son, on the ground that the charge was a false one, got up by the Villagers through enmity against the prisoner.

2. The Court of Sujdaree Adalut consider that the prisoner was punished on good evidence and they therefore reject this Petition.-

Ordered that Extract from these proceedings be granted to the Petitioner on her application.

Read



Read again Calendar of case No 25 of 1853 on the file of the Sessions Court of Salem.

(Here Enter Fl. No 3470 of 1853)

Read also return under date the 6th April 1853 from the Acting Sessions Judge of Salem to the precept of the Sujdaree Adalut dated the 16th February 1853 directing an investigation in regard to the injuries stated to have been inflicted by the Police upon the 1st and 2d prisoners in the foregoing case.

(Here Enter Fl. No 8190 of 1853)

The Court of Sujdaree Adalut

Mr. W. H. Morehead

v.

concur with the Sessions Judge in considering the fine which has been imposed upon the Village Moonsiff who inflicted upon the prisoner in the case referred to the injuries brought to notice by the Sessions Judge, a very inadequate punishment for the offence of which he has been guilty.-

Ordered that Extract from these proceedings be sent to the Sessions Judge of Salem for communication to the Magistrate.

(Sent in No.

Read Extract from the Minutes of Consultation under date the 22d March 1853 conveying the observations of Government on the opinion expressed by this Court respecting certain

certain points in dispute between the Sessions Judge and the Collector of Coimbatore as to the charge of the Town and the working of the convicts at that station.-

(Here Enter F.R. No 706 of 1853)

The Court of Foujdaree Adawlut direct that a copy of the foregoing Extract from the Minutes of Consultation be forwarded to the Sessions Judge of Coimbatore for his information and for communication to the Collector, and that those officers be required to conform to the instructions therein conveyed.

Ordered that Extract from these proceedings be sent to the Sessions Judge of Coimbatore for his information

(Sent in a No.

Read report of Cases pending on the 31st March 1853 before the Sessions Court of Chittoor, in excess of 250 days, calculated from the date of commitment.

(Here Enter F.R. No 795 of 1853)

The Court of Foujdaree Adawlut require the Sessions Judge to explain the reason of the great delay that has occurred in the disposal of case No 45 of 1852.- They observe that a period of four months had elapsed since its committal for trial, upto the date of



of this Report, and that in consequence of its non-disposal, the cases Nos 3, 4, and 5 of 1853 have not been commenced, a state of matters which the Judges of the Foujdaree Adawlut deem most objectionable.-

Ordered that Extract from those proceedings be sent to the Sessions Judge of Chittoor by precept returnable within V days from and after its receipt

(Sent following Precept No.

Read Criminal Report Dated 6th Instant Submitted by the Acting Sessions Judge of Cuddalore for the month of March 1853.-

(Here Enter F.R. No 881 of 1853.)

Read Criminal Reports dated 31st March 1853 Submitted by the Sessions Judge of Salem for the month of March 1853.

(Here Enter F.R. No 885 of 1853)

Read Convict Labour report dated 1st March 1853 Submitted by the Sessions Judge of Salem, of the Jail under the charge of the Magistrate for the month of February 1853.-

(Here Enter F.R. No 887 of 1853)

Read Calendar of case No 10 of 1853 Submitted by the Sessions Judge

21st April 1853.

Judge of Calicut under date the 14th April 1853.

Et Vott

/ Here Enter Sta No 890 of 1853 /

Fll.

Friday ... 22d April 1853. } At a Court of the Foujdaree Adalut

Present

Gst G S Hooper Esquire
Wdl W A Morehead Esquire } Puisne Judges
Vdl T L Strange Esquire

Read letter dated the 8th April 1853 from the Agent to the Governor in Vizaga-patam submitting for the final Judgement of the Foujdaree Adalut the record of Case No 8 of 1853 on the Calendar.

/ Here Enter No 890 of 1853 /

Mssrs G S Hooper & T L Strange

The Court of Foujdaree Adalut on a deliberate consideration of all the circumstances of the case in evidence before them being of opinion that the proof against the prisoner,

"Bommedy Venkatarah"

is sufficient to convict him of the crime of Murder, do convict him thereof; and under the provisions of Section X Regulation VIII of 1802 sentence him to suffer death by being hanged at the usual time and place of execution.

The

The Court of Tonjdaree Adalut require an explanation of the delay which occurred in the transmission of the record of this Case, the Case having been set down for reference on the 31st January while the record of proceedings which are by no means lengthy was not despatched to the Tonjdaree Adalut until the 11th April.

Ordered, that Extract from these Proceedings be forwarded to the Agent to the Governor of Fort St. George in Vizagapatam by precept returnable within V days from and after its receipt.

/ Sent following Precept No /

Read Calendar of Case No 28 of 1853 submitted by the Session Judge of Bellary.

/ Here Enter F. H. No 833 of 1853 /

The Offence charged in this Case should have been designated as "Robbery by Open violence" the Robbery not having been committed on the Highway but in a field in which it would appear the prosecutor and the Witness were sleeping when they were attacked.

Ordered, that Extract from these Proceedings be forwarded to the Sessions



Sessions Judge of Bellary for his information and guidance and for communication to the Subordinate Judge.

/ Sent in No /

Read letter under date the 2d April 1853 from the Sessions Judge of Madura.

/ Here Enter F. H. No 773 of 1853 /

The Court of Tonjdaree Adalut authorize the Magistrate of Madura to review the Order passed by him in the matter referred to in the letter submitted by the Sessions Judge; it being open to the parties against whom the revised Order may be passed to appeal therefrom to the Sessions Judge and eventually to the Court of Tonjdaree Adalut if they think fit.

Ordered, that Extract from these Proceedings be forwarded to the Sessions Judge of Madura for his information and for communication to the Magistrate.

/ Sent in No /

Read

22d April 1853.

Read Calendar of Case No. 14 of 1853 submitted by the Sessions Judge of Calicut under date the 14th April 1853.

/ Here Enter P.R. No. 891 of 1853 /

Read Return dated 14th April 1853 from the Sessions Judge of Chicacole to the precept of the Tanjore Adalut under date the 6th April 1853 directing him to amend his Warrant in Case No. 3 of 1853 of his Court's Calendar to one years imprisonment.

/ Here Enter P.R. No. 892 of 1853 /

Read Calendar of Case No. 11 of 1853 submitted by the Sessions Judge of Madura under date the 15th April 1853.

/ Here Enter P.R. No. 893 of 1853 /

Ex Short.

15th Decr 1853

4

F. H.

Saturday 23d April 1853 } At a Court of the Tanjore Adalut.

Present.

Hon'ble G. A. Hooper Esquire
Hon'ble W. A. Morshead Esquire } Puisne Judges.
H. T. L. Strange Esquire

Read Calendar of Case No. 2 of 1853 on the file of the Sessions Court of Chittoor.

(Here enter F. H. No. 794 of 1853)

In this Case the prisoner was Charged with having, together with certain other persons, broken into the prosecutors house, and stolen therefrom property valued at Rupees 19 3 3 8 — he was further charged with having received part of the said property knowing it to have been stolen —

2. The Sessions Judge concurred with the Mohammedan Law officer in the Conviction of the prisoner and Sentenced him to seven years imprisonment, with hard labor in irons, but on the ground that the Commission of the offence was not attended with any particular Acts of violence, recommends that

that the term of imprisonment should be reduced to four years.

3. Adverting to the value of the stolen property the Court of Foujdaree Adalut do not Consider themselves justified in sanctioning any mitigation of the prescribed punishment in this Case.

Ordered that Extract from these proceedings be sent to the Session Judge of Chittoor for his information and guidance.—

(Sent in No.)

Read Miscellaneous petition presented on the 7th April 1853, by Mr. J. Gordon Esqre. Vakeel on behalf of Cota Narunnaah of Zillah Chittoor.

(Here enter F. M.P. No. 54 of 1853.)

Mr. H. A. Morehead. The Petitioner refers to her son Cota Ramasamy Chetty being the 1st prisoner in Calendar No. 26 of 1852 on the file of the Session Court of Chittoor, and prays the Court to Order the records of the Case to be sent up with the least practicable delay, and that her son may be detained in the Custody of the Nazir, on giving the necessary Bail.—

The



2. The Court of Foujdaree Adalut Cannot comply with the prayer of this petition further than by directing the Session Judge to forward without delay the translate of the record of the Case in question.—

Ordered that Extract from these proceedings be sent to the Session Judge of Chittoor for his information.—

Ordered also that Extract from these proceedings be given to the petitioners on his application.—

(Sent in No.)

Read Calendar of Case No. 11 of 1853 of the Sessions Court of Calicut.

(Here enter F. M. No. 834 of 1853.)

The Court of Foujdaree Adalut approve of the recommendation made by the Sessions Judge in this Case, that the imprisonment, which the prisoners noted in the margin have been adjudged to suffer on their Conviction of the Crime of Gang Robbery with violence, and possessing stolen property with a guilty knowledge, be reduced, in the Case of the 1st prisoner to 7 years, and in that of the 2d &

1 Parambil Nayandy
2 Panguelen
3 Rowtan Vella

and

and 3rs to 5 years imprisonment with hard labor in irons, and they do authorize the Sessions Judge to issue his warrant accordingly.

Ordered that Extract from these proceedings be forwarded to the Sessions Judge of Calicut for his information.

(Sent in No )

Read Statement submitted by the Sessions Judge of Trichinopoly under date the 15th April 1853 shewing the amount realized by the labor of Prisoners in the first quarter of 1853.

/Here enter F. Rs. No 902 of 1853/

Read Appendix to the Subordinate Judge's Report B for January 1853 submitted by the Sessions Judge of Calicut under date the 16th April 1853.

/Here enter F. Rs. No 904 of 1853/

Read Criminal report B submitted by the Sessions Judge of Calicut under date the 16th April 1853 for the month of March 1853.

/Here enter F. R. No 905 of 1853/

Rs 180.

Monday

25th April 1853.

F U.

At a Court of the Foujdaree Udalut

Present

G. I. Hooper Esquire
W. A. Morehead Esquire
I. L. Strange Esquire
} Puisne Judges.

Read again Calendar of Case No 37 of 1852 on the file of the Session Court of Nellore

/Here enter F U. No 2916 of 1852/

Read also Miscellaneous Petition presented on the 3rd January 1853, by S. Ouchterlony Esqre Vakeel on behalf of C. Ramasamy Chetty father in law of Chundooroo Narsummalo, 1st Prisoner in the foregoing Case.

/Here Enter F. M. P. No 1 of 1853/

Read also Miscellaneous Petition presented on the 22nd March 1853, by Arthur M. Ritchie Esqre Vakeel on behalf of Chandooroo Lutchmedamee alias Kanakaumah, prosecutrix in the foregoing Case.

/Here enter F. M. P. No 45 of 1853/

Read also return under date the 5th February 1853, and Supplemental return under date the 7th April 1853, from the Acting Sessions

Judge

and 3d to 5 years

Judge of Nellore to the precept of the Foujdary Adalut dated the 17th January 1853 directing the submission of an English translation of the record of the foregoing Case.

Mr. W. Morehead
&
J. L. Strange

/Here Enter F. W. Nos 344 & 831 of 1853./

1. The 1st Prisoner in the foregoing Case, was tried upon an indictment charging him with having on some day in the year 1852, the date and hour being unknown; dug a hole through the western wall of a room in the house belonging to the Prosecutrix and himself in the town of Nellore, wherein their joint property was kept under attachment under the seal of the Civil Court, and with having entered in and stolen therefrom gold and silver Ornaments and ready money to the value of Rupees 4,335-14-

2. The 2d, 3d and 4th prisoners were charged with having concealed the said property knowing it to have been stolen.

3. And against the 1st and 3d prisoners, an additional count was preferred, charging them with having been in possession of a portion of the said property to the value of Rupees 3879-14- knowing it to have been stolen.

4. The evidence was to the effect, that the 1st prisoner was the son of one Nummalu Chetty a Merchant at



at Nellore who died on or about the 31st March 1852, that the Prosecutrix was the 2d wife of the said Nummalu Chetty and step mother of the prisoner and that in consequence of disputes between them regarding Nummalu Chetty's property, it was deposited in a room in the house in which they both lived and which having been locked up by them was sealed first by the Police and afterwards by the Nazir of the Civil Court, without however any examination having been made, or any inventory taken of the property deposited in it.

5. It was proved that the room was guarded at night by Peons, and that on the 3d September 1852 - in consequence of a hole having been observed in the roof, the room was opened by the Police and it was found that property of the value specified in the indictment, had been abstracted from it, and that a hole had been made in the wall which divided it from an adjoining passage sufficient to allow the entrance of a man.

6. Suspicion was at once attracted to the 1st prisoner, who was proved to have been in the habit of spending some hours every night in a room used by him as a Chillu store, and separated only by the passage referred to from that in which the property

was

Judge of Nellore to the precept of the Foujdaree Udalut dated the 17th January 1853, directing the submission of an English translation of the record of the foregoing Case.

Mr. H. Morehead
&
J. L. Strange

/Here Enter F. W. Nos. 344 & 831 of 1853./

1. The 1st Prisoner in the foregoing Case, was tried upon an indictment charging him with having on some day in the year 1852, the date and hour being unknown, dug a hole through the western wall of a room in the house belonging to the Prosecutrix and himself in the town of Nellore, wherein their joint property was kept under attachment under the seal of the Civil Court, and with having entered in and stolen therefrom gold and silver Ornaments and ready money to the value of Rupees 4,335-14.

2. The 2d, 3d and 4th prisoners were charged with having concealed the said property knowing it to have been stolen.

3. And against the 1st and 3d prisoners, an additional count was preferred, charging them with having been in possession of a portion of the said property to the value of Rupees 3879-14 knowing it to have been stolen.

4. The evidence was to the effect, that the 1st prisoner was the son of one Nummalu Chetty a Merchant



at Nellore who died on or about the 31st March 1852, that the Prosecutrix was the 2d wife of the said Nummalu Chetty and step mother of the prisoner and that in consequence of disputes between them regarding Nummalu Chetty's property, it was deposited in a room in the house in which they both lived and which having been locked up by them was sealed first by the Police and afterwards by the Nazir of the Civil Court, without however any examination having been made, or any inventory taken of the property deposited in it.

5 It was proved that the room was guarded at night by Peons, and that on the 5th September 1852 - in consequence of a hole having been observed in the roof, the room was opened by the Police and it was found that property of the value specified in the indictment, had been abstracted from it, and that a hole had been made in the wall which divided it from an adjoining passage sufficient to allow the entrance of a man.

6. Suspicion was at once attracted to the 1st prisoner, who was proved to have been in the habit of spending some hours every night in a room used by him as a Chilli store, and separated only by the passage referred to from that in which the property

was

was deposited. It was proved that the 1st prisoner alone had access to the room in question, and also to the passage, and that there were marks of foot-prints on both sides of the wall, separating the prisoners' room from the passage. The 1st prisoner on being first questioned, denied all knowledge of the robbery, but subsequently it appears gave information to the Basti Police Ameen, which led to the discovery of a portion of the missing jewels buried in the back yard of the 2d prisoners house, and of the sum of Rupees 1072 in Cash also buried in the house of the 4th prisoner.

7. He was afterwards brought before the Acting Head Assistant Magistrate, to whom he made a full confession to the effect that he had abstracted the property with the assistance of the 3d prisoner, who was his brother in law, and that they had together buried it where it was found.

8. He retracted this confession before the Courts, and the other prisoners denied throughout having had any concern in the theft.

9. The Acting Sessions Judge in concurrance with his Mahomedan Law Officer, convicted the 1st prisoner of the Crime charged, and sentenced him to seven years Imprisonment with hard labor in irons, with





with a recommendation, that in consideration of his youth the period of Imprisonment adjudged should be mitigated to four years.

10. The 3d prisoner was held to Security, and the 2d and 4th prisoners were acquitted and unconditionally released.

11. The proposed mitigation was acceded to by the Court of Foujdaree Udalut on the Calendar being laid before them, but subsequently on a Petition having been presented on behalf of the 1st prisoner, they directed that the sentence should be suspended and an English Translation of the record of the trial submitted for their consideration.

12. On perusal of the record the Court of Foujdaree Udalut consider, that the 1st prisoner has been properly convicted of the burglary laid to his charge.

13. That a burglary was committed in the room referred to in the indictment, and that the property found buried on the premises of the 2d and 4th prisoners, was a portion of that deposited in the room in question, has not only been clearly established by the evidence adduced, but has been tacitly admitted by the 1st prisoner who has charged the Police Ameen with having joined the Prosecutrix in a conspiracy to

to abstract it and to procure his conviction of the Crime

14. The Court of Foujdaree Udalut consider the evidence in the Case conclusive to the fact, that the abstraction of the property must have taken place either by means of or with the connivance of the 1st prisoner, and looking to the circumstances under which the property was secured in the room from which it was abstracted, Viz. under the Orders of the constituted authorities and with the view of preventing either the prisoners or the prosecutrix having access to it, the Court cannot consider the fact of the prisoner possessing a title to share in it eventually, as in any way depriving the Act committed by him of the character by which it has been designated in the indictment upon which he has been tried.

15. Adverting however to the youth of the 1st prisoner and taking into consideration all the circumstances of the Case, the Court of Foujdaree Udalut deem the imprisonment he has already undergone, sufficient for the demands of justice, and direct that he be now released.

16. The Court of Foujdaree Udalut do not understand upon what grounds the Case was sent up to the Acting Head Assistant Magistrate instead of being committed to the Court direct by the



Basty Ameen, whose proceedings in the preliminary investigation appear to the Court to have been of questionable propriety.

17. In regard to the property referred to in the Prosecutrix's Petition, it will be for the Civil Court to pass such Orders, as it may deem proper with reference thereto.

Ordered, that Extract from these Proceedings, be sent to the Acting Session Judge of Nellore, by precept returnable within II days, from and after its receipt.

Ordered also, that Extract from these Proceedings, be granted to the Petitioners on their application.

/ Sent following precept No. /

Read letter dated 9th April 1853, from the Session Judge of Cuddapah, submitting for the final Judgment of the Foujdaree Udalut, the Record of Case No. 27 of 1852 of the Calendar of the Session Court.

/ Here enter No. 866 of 1853 /

The Court of Foujdaree Udalut on a deliberate consideration of all the circumstances of the case in evidence before them, being of opinion that the proof against the prisoners.

1st Seoraveddy Mitpal Reddy

Mr. H. Morehead
&
/ " / J. L. Strange

2d Condareddy Mijoul Reddy

3d S. Ramoodoo Cuttoobady

4th C. Nagadoo do

5th Yettee Wobalapateegadoo

and

9th E. Ramabhuttoo

is sufficient to convict them of the crimes charged, do convict them thereof and pentence the Prisoners.

1st Soorareddy Missal Reddy

and

2d Condareddy do

to be transported to such place or places beyond sea, as the Governor in Council shall appoint, there to be imprisoned and kept to hard labor on the public roads or other public works, for, and during the period of their natural lives. and the prisoners.

3d S. Ramoodoo Cuttoobady

4th C. Nagadoo Cuttoobady

5th Yettee Wobalapateegadoo

and

9th E. Ramabhuttoo

to be imprisoned and kept to hard labor in irons on the public roads or other public Works, for and during the period of (7) Seven years.

And being of opinion, that the prisoner

1st



10th Chinna Vencatareddy

Missubreddy

is not convicted on presumptive proof, or on the evidence of credible Witnesses, or on his own confession of the crime charged, do acquit him thereof; and direct that he be set at liberty.

The Court of Foujdaree Udalut

1.

consider the evidence insufficient for the convictions of the 10th prisoner in this Case, and have accordingly directed his unconditional release. It is proved that this prisoner signed the letter reporting the robbery charged against the deceased, but there is nothing to show, that he took any part in the Maltreatment which caused the death of the deceased.

It appears to the Court of Foujdaree

2.

Udalut, that the several enquiry held by the Assistant Magistrate in this Case, was altogether unnecessary. It led to delay and increased considerably the bulk of the record, and the Case was clearly not of the character of those referred to in the Circular Order of the Foujdaree Udalut under date the 20th March 1834 and which merely has reference to complaints preferred by prisoners under trial against Native Police officers.

Ordered

25 April 1853

Ordered that Esctract from these Proceedings be forwarded to the Sessions Judge of Cuddapah for communication of para 2 to the Acting Magistrate.

4th Wt

Sent in No. 5

JW

Wednesday 27th April 1853 } At a Court of the Sunderee Adalut.

Present

Hon'ble G. S. Hooper Esquire
Ditto W. A. Hornbrook Esquire
Ditto J. L. Stranger Esquire
} Puisne Judges.

Read letter dated 19th April 1853, from the Sessions Judge Cuddapah submitting for the final Judgment of the Sunderee Adalut, the Record of Case No 4 of 1853 of the Calendar of the Criminal Court.

Hereunder Abst [illegible] of 1853 /

The Court of Sunderee Adalut on a deliberate consideration of all the circumstances of the Case in evidence before them being of opinion that the proof against the Prisoner

Rupsunkhan,

is sufficient to convict him of the crime of wounding with intent to kill, for which, according to the Mahomedan Law as declared in futwahs of their Law officers, discretionary punishment is awardable do convict him thereof and under the provisions of Clause third Section VII Regulation

Regulation XV of 1813 and Section XXXIV Act VII of 1853 sentence him to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of [illegible] seven years.

The Court of Foujdaree Adalut require an explanation of the delay which occurred in the transmission to the Foujdaree Adalut the records of this case, the case having been set down for reference on the 26th January and the record which is a very brief one not having reached the Foujdaree Adalut until the 23rd Instant.

Ordered that extract from these proceedings be sent to the Sessions Judge of Cuddapah by precept returnable within 8 days from and after date of precept.

Sent following precept 28th. 1/

Ex'd.

+

# Fifth

Thursday 28th. April 1853. } At a Court of the Foujdaree Adalut,

Present

G. S. Hooper Esquire
W. A. Morehead Esquire } Puisne Judges
T. L. Strange Esquire

Read letter dated 26th. April 1853, from the Sessions Judge of Coimbatore, submitting for the final judgment of the Foujdaree Adalut, the Record of Case No. 7 of 1853, on the calendar of the Sessions Court.

(Here enter No. 947 of 1853)

The Court of Foujdaree

Mr. G. S. Hooper
and
" T. L. Strange

Adalut on a deliberate consideration of all the circumstances of the case in evidence before them, being of opinion, that the prisoner,

"Caroopen"

committed the act charged against him, being then of unsound mind, under the provisions of Act IV of 1849 direct that he be kept in safe custody in the Jail at Coimbatore, until the pleasure of Government regarding him be made known.-

(Sent in Rc. )

Ex'd.

L.U.

Saturday
30th April 1853 At a Court of the Loyalsure Establt;

Present

G.L. Hooper Esqr.
W.S. Morehead Esqr. } Puisne Judges
W. L.L Strange Esqr.

Read again Criminal Reports, submitted by the Sessions Judge of Honore for the month of January 1853.-

{Here enter L.U. No. 96 of 1853}

Read also return under date the 19th March 1853, from the Sessions Judge of Honore to the precept of the Loyalsure Establt dated the 8th March 1853, directing the immediate discharge of the prisoners in case No. 6 of 1853 on the file of the Principal Lude Amuen Court

{Here enter L.U. No. 733 of 1853}

It appears from the return of the Principal Lude Amuen submitted with the foregoing return of the Sessions Judge, that the persons in the case in question were committed to the Criminal Court upon the charge of having refused to give evidence before the Police, with reference to certain proceedings of this Court under date the 21st October 1852, wherein it was ruled that "parties either before a Magistrate or before a Native Police officer who persist in refusing "to depose, should be committed after a reasonable "period to the Criminal Court to be punished for "the Act".-

The

27th April

Saturday
30th "

continuancy refusing to give evidence before a
Police officer, may be committed to the Criminal Court
with a view of being incarcerated in the Gaol, until
he may abandon his contumacy not that such recusant
witness should be committed for trial, which would
include the adjudication by the Criminal Court of
a species of offence not provided for by the penal
enactments in force in this Presidency.

3 The Court of Requisters Adalat however
as at present composed, see reason to question the
legality of the above ruling even in the more limited
sense in which they have construed it, and it
appears to them that in the present state of the law,
the Native Police are left without a remedy in the
event of contumacious conduct on the part of a witness; the
only enactment affording a remedy in such cases being
Section II Regulation X of 1824, the application of which
is confined to Magistrates and Criminal Courts.

Ordered, that Extract of these proceedings
be sent to the several Sessions Judges, Assistant Judges
and Agents for their information

Sent in No.

Read Calendar of petty cases disposed
of by the Magistracy of Masulipatam during the 4th Quarter
of 1852.

Have entered Sel. No. 821
1853.

The

that
cases which have been received
by the Sessions Judge, has not been made in the
foregoing Calendars, as directed in their Circular Letter of the
13th January 1853.

Ordered that Extract of these proceedings
be sent to the Sessions Judge of Masulipatam for his
information and guidance.

Sent in No.

Read letter under date the 6th April 1853
from the Acting Sessions Judge of Salem.
Have entered Sel. No. 816 of 1853.

The Acting Sessions Judge forwards a
1. Communication from the Magistrate of Salem and requests
their Courts instructions relative to the continuance of inserting
the Columns of Cases of Bribery, extortion and other abuse
of authority, disposed of by Heads of Police in the annual
annual Statements, the investigation of such cases by
Heads of Police having been prohibited in this Courts Proceedings
dated 18th June 1852.

The Court of Requisters Adalat observe
2. that in submitting the annual Statements the Columns
in question can be left blank.

Ordered that Extract of these proceedings
be sent to the Sessions Judge of Salem for his information
Sent in No.

Read Return dated 18th April 1853
from the Sessions Judge of Cuddapah, to the Principal
of the Requisters Adalat under date the 31st March 1853,
covering

2 The proceedings in question appear to the Court of Enquiry Vidalat to have been misconstrued by the Principal Sudr Ameen, the suit which they are intended to declare would seem to have been, that a witness continuously refusing to give evidence before a Police officer, may be committed to the Criminal Court with a view of being incarcerated in the Gaol, until he may abandon his contumacy; not that such recusant witness should be committed for trial, which would indicate the adjudication by the Criminal Court of a species of offence not provided for by the penal enactments in force in this Presidency.

3 The Court of Enquiry Vidalat deem as at present composed, see reason to question the legality of the above ruling even in the more limited sense in which they have construed it, and it appears to them that in the present state of the law, the Native Police are left without a remedy in the event of contumaciousness on the part of a witness; the only enactment affording a remedy in such cases being Section II Regulation I of 1824, the application of which is confined to Magistrates and Criminal Courts.

Ordered, that Extract of these proceedings be sent to the several Sessions Judges, Assistant Judges and Agents for their information

Sent in N.

Read Calendar of petty cases disposed of by the Magistracy of Nuddea during the 4th Quarter of 1852.

Sent in Sl. N: 821 1853. Sd



The Court of Enquiry Vidalat observe that the entry of "noticed" in those cases which have been scrutinized by the Sessions Judge, has not been made in the foregoing Calendars, as directed in their Circular letter of the 13th January 1853.

Ordered that Extract of these proceedings be sent to the Sessions Judge of Nuddea for his information and guidance.

Sent in N.

Read letter under date the 6th April 1853 from the Acting Sessions Judge of Salem.

(Sent in Sl. N: 876 of 1853)

1. The Acting Sessions Judge forwards a communication from the Magistrate of Salem and requests the Court's instructions relative to the continuance of inserting the Columns of Cases of Robbery, extortion and other abuse of authority, inquired of by Heads of Police, in the annual Statements, the investigation of such cases by Heads of Police having been prohibited in this Courts Proceedings dated 18th June 1852.

2. The Court of Enquiry Vidalat observe that in submitting the annual Statements, the Columns in question can be left blank.

Ordered that Extract of these proceedings be sent to the Sessions Judge of Salem for his information.

Sent in N.

Read Return dated 18th April 1853 from the Sessions Judge of Cuddapah, to the foregoing of the Enquiry Vidalat under date the 31st March 1853, desiring

desiring to be informed, what notice has been taken by the Acting Magistrate in Case No. 34 of the Calendar for 1852 of the conduct of the Accused on previous 18th.

(Here enter No. 919 of 1853)

Read Calendar dated 18th April 1853, from the Sessions Judge of Bellary, of persons committed for trial before the Sessions Court in Case No. 30 of 1853.

(Here enter No. 915 of 1853)

Read Criminal Report dated 7th April 1853. submitted by the Sessions Judge of Cuttack for the month of April 1853.

(Here enter No. 905 of 1853)

Read Calendar dated 15th April 1853, from the Sessions Judge of Cuttack, of persons committed for trial before the Sessions Court in Case No. 15 of 1853.

(Here enter No. 907 of 1853)

Read Extract from the Sessions Court of Cuttack dated 18th April 1853 on review of the Magistrates Calendars for the 4th Quarter of 1852.

(Here enter No. 906 of 1853)

Ep. 099.



F. No.

Monday, 2nd May, 1853.

At a Court of the Fouzdaree Adalut

Present.

G. L. Cooper, Esquire
W. A. Morehead, Esquire
T. L. Strange, Esquire
} Puisne Judges.

Read Calendars of petty cases disposed of by the Magistracy of Tinnevelly during the 4th quarter of 1852.

(Here enter F. No. No. 808 of 1853)

1. The Court of Fouzdaree Adalut require the manner of the Subordinate Magistrates to be entered in the Calendars of all cases disposed of by them.

2. The Court of Fouzdaree Adalut have further to point out that the entry noticed in those cases which were reviewed by the Sessions Judge as called for in the Circular letter from this Court under date the 13th January last

Mag

has been omitted in the foregoing Calendars.

Ordered, that Extract from these Proceedings be forwarded to the Sessions Judge of Tinnevelly for his information and guidance.-

/Sent in No /-

Read Letter under date the 14th Ultimo from the Agent to the Governor of Fort St. George in Vizagapatam, submitting for final orders a report of the trial held in Case No. 9 of 1853 on his file.-

/Here Enter F.M. No. 913 of 1853/-

1. The Prisoners in this Case have been tried for the crime of Robbery by open violence attended with aggravating circumstances, and the Agent being of opinion that the charge has been fully proved against the 1st Prisoner, recommends that he be sentenced to 14 years' imprisonment, under Clause Fifth Regulation XV of 1803.-

2. The Court of Foujdaree Udalut concurs in the conviction of the



the Prisoner,

1st Gungavumsem Veerama Deo.-

and accordingly resolve to sentence him, under the provisions of the Regulations above quoted, to be imprisoned with hard labor in irons for and during the period of (14) fourteen years.-

3. The Court of Foujdaree Udalut further approve of the Order requiring the 2d and 3d Prisoners in the case to furnish Security for 2 years- but they observe that neither the number of the Sureties nor the amount for which each should be answerable, has been specified by the Agent.- These particulars should be invariably stated.-

2d Killa Bungaroy-
3d Pauny Croostaloo-

Ordered, that Extract from these Proceedings be forwarded to the Agent in Vizagapatam for his information and future guidance.-

/Sent in No /-

Read again Calendar of Case No. 7 of 1852 on the file of the Sessions Court of Chittoor.-

/Here Enter F.M. No. 1606 of 1852/-

Read

2nd May, 1853.

Read again also Miscellaneous Petitions presented on the 29th September 6th October and 16th October 1852 by Lutchmee Unnaul, Coothy Ammay, Lutchmee Ammay and Moottammal relatives of the 3d 4th 7th and 9th prisoners in the foregoing case.—

Here Enter F. Mc. Ds. Nos. 131-132-133-136-144-145 and 146 of 1852/—

Read again also return under date the 4th December 1852 and Supplemental return under date the 15th March 1853 from the Sessions Judge of Chittoor to the precept of the Foujdaree Udalut dated the 9th November 1852 directing the submission of an English Translation of the record of the foregoing Case.—

Here Enter F. Mc. Nos. 2835 of 1852 & 644 of 1853/—

Read also return under date the 20th April 1853 from the Sessions Judge of Chittoor to the precept of the Foujdaree Udalut dated the 11th April 1853 directing that the term of Imprisonment adjudged to the 3d 4th 5th 7th 8th and 9th prisoners

F. Mc.

2nd May, 1853.

prisoners in the foregoing case should be reduced to eight years.—

Here Enter F. Mc. No. 931 of 1853/—

1. It appears from the Sessions Judge's return of the 20th ultimo that the 5th and 9th prisoners in the foregoing case were convicted of a similar crime in case No. 6 of 1852 on the Calendar of the Sessions Court in which case sentence was recorded against them for the two robberies of which they had been convicted.—

Under these circumstances

2. the Court of Foujdaree Udalut resolve to recall the orders conveyed in their proceedings of the 11th ultimo for a reduction of the sentences passed upon the said prisoners.

Ordered, that Extract from these Proceedings be forwarded to the Sessions Judge of Chittoor for his information.—

Sent Dis. No. /—

Read Criminal Reports dated

dated the 18th. ultimo submitted by the Sessions Judge of Bellary for the months of March 1853.—

/Here Enter F.No. No. 926 of 1853/—

Read Calendar of Case No. 17 of 1853 submitted by the Sessions Judge of Calicut under date the 18th. ultimo.—

/Here Enter F.No. No. 928 of 1853/—

Read Quarterly Statement of Disbursements for bringing up the Prisoner's children submitted by the Sessions Judge of Chicacole under date the 16th. ultimo.—

/Here Enter F.No. No. 929 of 1853/—

Read Calendar of Case No. 5 of 1853 submitted by the Sessions Judge of Chingleput under date the 20th. ultimo.—

/Here Enter F.No. No. 930 of 1853/—

Read Calendar of Case No. 31 of 1853 submitted by the Sessions Judge of Bellary under date the 19th. ultimo.—

/Here Enter F.No. No. 937 of 1853/—

Read



Read Calendar of Case No. 15 of 1853 submitted by the Sessions Judge of Cuddapah under date the 21st. ultimo.—

/Here Enter F.No. No. 939 of 1853/—

Read return dated the 21st. ultimo from the Sessions Judge of Cuddapah to the precept of the Fouzdaree Adalut under date the 16th. idem, directing that under the provisions of Section XI Regulation X of 1816 the Subordinate Judge be instructed to release all the Prisoners in Case No. 87 of 1852 on good and sufficient security being given for their appearance when required.—

/Here Enter F.No. No. 941 of 1853/—

Read Criminal Reports dated the 16th. ultimo submitted by the Sessions Judge of Honore for the months of March 1853.—

/Here Enter F.No. No. 943 of 1853/—

Read Calendar of Case No. 18 of 1853 submitted by the Acting Sessions Judge of Masulipatam under date

2d. May, 1853.-

date the 18th. ultimo.-

/Were Entered F.R.C. No. 944 of 1853/-

Read return dated the 19th. ultimo from the Sessions Judge of Rajahmundry to the precept of the Foujdaree Udalut under date the 13th. idem, directing the restoration to his situation of Sheristadar in the Subordinate Court of Rajahmundry of P. Venkatachurloo.-

/Were Entered F.R.C. No. 945 of 1853/-

Read Calendar of Case No. 11 of 1853 submitted by the Sessions Judge of Cuddapah under date the 22d. ultimo.

/Were Entered F.R.C. No. 950 of 1853/-

Read return dated the 18th. ultimo from the Acting Sessions Judge of Masulipatam to the precept of the Foujdaree Udalut under date the 6th. idem, communicating their remarks upon Cases Nos. 6 and 7 of the Criminal Reports submitted by the Sessions Judge of Masulipatam for the month of February 1853.-

/Were Entered F.R.C. No. 954 of 1853/-

Ex. Rd.

F.R.C.

Tuesday, 3rd. May, 1853.-

At a Court of the Foujdaree Udalut.-

Present.-

G. L. Cooper, Esquire
W. A. Morehead, Esquire
T. L. Strange, Esquire
} Puisne Judges.-

Read Calendar of Case No. 7 of 1853 of the Sessions Court of Salem.-

/Were Entered F.R.C. No. 867 of 1853/-

The Court of Foujdaree Udalut approve of the recommendation made by the Sessions Judge in this Case that the imprisonment, which the Prisoner noted in the margin has been adjudged to suffer on his conviction of the crime of Housebreaking by day, and theft be reduced to two years' imprisonment with hard labor in irons, and they do authorize the Sessions Judge to issue his warrant accordingly.-

2d. Scottand.-

Ordered, that Extract from

from these Proceedings be forwarded to the Sessions Judge of Salem for his information.—

(Sentence No. /—

Read letter under date the 14th ultimo from the Agent to the Governor of Fort St. George in Ganjam, submitting for the final orders of the Foujdaree Udalut a report of the trial of Case No. 3 of 1853 on his file.—

(Here Enter F.U. No. 936 of 1853)

1. The Prisoner in this Case has been tried for "Attempt at Arson" and the Agent being of opinion that the charge has been fully proved, recommends that he be sentenced to receive fifty stripes, and to be imprisoned for one year, under Clause Second Section II Regulation XV of 1803.—

2. The Court of Foujdaree Udalut concur in the conviction of the Prisoner,

Sowrah Ramiah

but being of opinion that a less severe punishment than that recommended



by the Agent will meet the ends of justice in this case, they resolve to sentence the Prisoner to receive (50) fifty lashes with the cat o' nine tails, and to be imprisoned with hard labor in irons for and during the period of six months.—

Ordered, that Extract from these Proceedings be forwarded to the Agent in Ganjam for his information and guidance.—

(Sentence No. /—

Read Calendar of Cases No. 4 of 1853 on the file of the Sessions Court of Calicut.—

(Here Enter F.U. No. 595 of 1853)

1. This prisoner in this case was charged with theft attended with severe wounding and on conviction has been sentenced to three years' Imprisonment with hard labor in irons under the provisions of Clause Seventh Section II Regulation XV of 1803.

2. Adverting to the nature

of

of the crime of which the prisoner has been convicted the Court of Fouzdaree Udalut observe that the sentence should have been passed under the provisions of Clause Second Section III Regulation VII of 1822 wherein the crime charged is specially provided for.—

Ordered, that Extract from these Proceedings be forwarded to the Sessions Judge of Calicut for his information and guidance.—

/Sent in No. /—

Read Calendar of Case No. 4 of 1853 submitted by the Acting Sessions Judge of Malabar under date the 23d Ultimo.—

/Here Enter F. Vo. No. 955 of 1853/—

Read Jail Reports dated the 23d ultimo submitted by the Sessions Judge of Combaconum for the month of March 1853.—

/Here Enter F. Vo. No. 957 of 1853/—

Read return dated the 23d ultimo from the Sessions Judge of Cuddapah



Cuddapah to the precept of the Fouzdaree Udalut under date the 6th instant, desiring to be informed of the result of the communication which it appears have been made by the Sessions Judge to the Acting Magistrate with reference to Case No. 9 of 1853.—

/Here Enter F. Vo. No. 958 of 1853/—

Read Criminal Report dated the 22d ultimo submitted by the Sessions Judge of Guntoor for the month of April 1853.—

/Here Enter F. Vo. No. 959 of 1853/—

Read Report dated the 21st ultimo submitted by the Acting Sessions Judge of Masulipatam of cases pending on the 28th February 1853, and committed for trial during the month of March 1853.—

/Here Enter F. Vo. No. 961 of 1853/—

Read Report dated the 21st ultimo submitted by the Acting Sessions Judge of Masulipatam of Convict Labor for the 1st Quarter of 1853.

/Here Enter F. Vo. No. 962 of 1853/—

Read

Read Calendar of Case No. 4 of 1853 submitted by the Sessions Judge of Chittoor under date the 10th February 1853.

/Here Enter F.No. No. 971 of 1853/-

Read Statement dated the 21st ultimo submitted by the Sessions Judge of Mangalore of the actual produce of the labor of Prisoners &c. for the 1st Quarter of 1853.

/Here Enter F.No. No. 976 of 1853/-

Read Report dated the 21st ultimo submitted by the Sessions Judge of Rajahmundry of the labor of Convicts in the Jail at Cocanada under charge of the Magistrate for the month of April 1853.

/Here Enter F.No. No. 981 of 1853/-

Read letter dated the 22d ultimo from the Sessions Judge of Chicacole reporting that no articles were manufactured by the Prisoners in this Jail during the 1st Quarter of 1853, consequently the statement required by



by the Circular Order No. 88 of the Foujdaree Udalut dated 9th June 1837 has not been sent.-

/Here Enter F.No. No. 984 of 1853/-

Read return dated the 27th ultimo from the Sessions Judge of Chittoor to the precept of the Foujdaree Udalut under date the 21st instant, calling for explanation regarding the delay in the disposal of Case No. 45 of 1852.-

/Here Enter F.No. No. 991 of 1853/-

Read Calendar of Case No. 6 of 1853 submitted by the Acting Sessions Judge of Nellore under date the 28th ultimo.-

/Here Enter F.No. No. 993 of 1853/-

Read Calendar of Case No. 7 of 1853 submitted by the Acting Sessions Judge of Nellore under date the 28th ultimo.-

/Here Enter F.No. No. 994 of 1853/-

Ex 186

F.No.

Wednesday,
4th May, 1853.

At a Court of the Toojdaree Udalut.

Present.

Hyde — G. L. Hooper, Esquire
Wells — W. A. Morehead, Esquire
Vl. — T. L. Strange, Esquire
} Puisne Judges.

Read Letter dated the 23d ultimo from the Sessions Judge of Cuddapah, referring for the final Judgment of the Toojdaree Udalut, the Record of Case No. 38 of 1852 of the Calendar of the Session Court.

Have Enter F.No. No. 973 of 1853/—

The Court of Toojdaree Udalut, on a deliberate consideration of all the circumstances of the case in evidence before them, being of opinion that the Prisoners,

1st P. Lutchmiah.
2nd C. Ramoodoo.
and
3rd C. Govindoogaudoo.

Mr. G. L. Hooper
and
Mr. T. L. Strange

are

are not convicted on presumptive proof or on the evidence of credible witnesses, or on their own confession, of the crime charged, do acquit them thereof, and direct that they be set at liberty

/Sent in No. /—

Read Criminal Reports (B) submitted by the Session Judge of Cuddapah for the month of March 1853.—

/Here Enter F.M.C. No. 949 of 1853/-

Case No. 61.—

1. The Prisoner in this case was charged with having stolen Raghy from the Prosecutor's Grain. bag Pc. Bo valued at 12 Annas, and on conviction has been sentenced to two months' imprisonment with hard labour in irons.—

2. The Court of Foujdaree Udalut desire to be informed upon what grounds this case was committed to the Criminal Court, the theft charged, with reference to the small value of the property stolen, being



being cognizable by the head of District Police.—

3. The sentence passed appears to the Court of Foujdaree Udalut to be unnecessarily severe and they accordingly direct that the Prisoner be now released, the period of Imprisonment already undergone by him being amply sufficient to meet the demands of justice.—

Ordered, that Extract from these Proceedings be forwarded to the Subordinate Criminal Judge in charge of the Session Court of Cuddapah by Precept returnable within XX days from and after its receipt.—

/Sent following Precept No. /-

Read Calendar in Case No. 14 on the file of the Session Court of Cuddapah.

/Here Enter F.M.C. No. 882 of 1853/-

In this case the Mahomedan Law Officer in his futwa declared

declared that suspicion attached to the 1st Prisoner upon Zun-i-Shalib or strong presumptive proof and that he was therefore liable to Ookoobut.—

2. The Court of Foujdaree Udalut have to observe that on Zun-i-Shalib conviction should follow and that without conviction Ookoobut cannot legally be awarded. They accordingly resolve to direct that the Mahommedan Law Officer be required to amend his futwa, and that in the event of his convicting the prisoner, the trial be referred for the final judgment of the Foujdaree Udalut.—

Ordered, that Extract from these Proceedings be forwarded to the Sessions Judge of Cuddapah by precept returnable within V days from and after it's receipt.—

Sent following Precept No 1/—

Read Calendars of Cases disposed of by the Magistracy of Salem for the 4th quarter of 1852.—

/Here Enter Fllc. No 886 of 1853/

Fllc.

4th May, 1853.

Calendar of persons punished. Case No 76.

1. In this case the Prisoner a Village Moonsiff was charged with "abuse of authority" in having called back a taly and others who came to the Talook Cutcherry with a report of a police case, also in having taken the said report from the taly and sent it on the next day.—

Case No 82.

2. In this case the charge against the Prisoner was "Trespass" in having prevented the Prosecutor from attending to his duty as Sweeper in the Travellers bungalow at —— Cunceptly.—

3. In both the above Cases the accused were subjected to fines commutable to imprisonment. The Court of Foujdaree Udalut however fail to perceive of what Criminal act the Prisoners were guilty. They require therefore explanation on this head.—

4. The Entry of "Noticed" in those cases which have been reviewed by the Sessions Judge has not been made in

in the foregoing Calendars as directed in the Circular Letter of the Fouzdaree Udalut of the 13th January 1853.

Ordered, that Extract from these Proceedings be forwarded to the Sessions Judge of Salem for his information and guidance and for communication to the Magistrate by Precept returnable within five days from and after its receipt.—

/Sent following Precept No /

Read again Calendars of Cases disposed of by the Magistracy of Madura during the 4th quarter of 1852.

/Here Enter F.M. No. 402 of 1853/

Read also return under date the 15th April 1853 to the Precept of the Fouzdaree Udalut dated the 9th March 1853 calling for explanations in certain cases in Petty Calendars of the Magistracy for the 4th quarter of 1852.—

/Here Enter F.M. No. 895 of 1853/

The Court of Fouzdaree Udalut consider the explanation given in



in the foregoing return satisfactory.

Ordered, that Extract from these Proceedings be forwarded to the Sessions Judge of Madura for his information and for communication to the Magistrate.—

/Sent in No /

Read again Criminal Report (B) submitted by the Sessions Judge of Combaconum for the month of February 1853.

/Here Enter F.M. No. 645 of 1853/

Read also return under date the 15th April 1853 to the Precept of the Fouzdaree Udalut of the 9th April 1853 containing their observations on the Criminal Reports for the month of February 1853.

/Here Enter F.M. No. 874 of 1853/

In reply to the foregoing

1. return the Court of Fouzdaree Udalut observe that in this case the Prisoner was convicted of Fraud, but that "fine", the sentence awarded, is not an appropriate

× No. 13.

appropriate punishment for a crime of this description which partakes of the character of Theft.—

2. They therefore resolve to cancel the sentence and to direct the return of the fine to the Prisoner.—

3. The case moreover appears to the Court of Foujdaree Udalut to be one of a civil nature and not such as should have been brought before the Criminal Court.

Ordered, that Extract from these Proceedings be forwarded to the Sessions Judge of Combaconum for his information and guidance and for communication to the Sudder Ameen.—

/Sent in./—

Read Calendar of Case No. 15 of 1853 submitted by the Sessions Judge of Madura.—

/Here enter F. No. No. 922 of 1853/—

1. In this case the Prisoner was charged with "Arson" in having wilfully



wilfully and maliciously set fire to the house of the Prosecutor.—

2. The Sessions Judge having considered the evidence to be improbable and incredible concurred in the futwa of the Mahomedan Law Officer in acquitting the Prisoner.—

3. The Court of Foujdaree Udalut observe that the Sessions Judge in acquitting the Prisoner on account of the improbability and incredibility of the evidence brought against him, should have explained in what respects he considered it unworthy of credit.—

Ordered, that Extract from these Proceedings be forwarded to the Sessions Judge of Madura by precept returnable within V days from and after its receipt.—

/Sent following Precept No. /—

Fo. No.

F. H.

Thursday 5th. May 1853.

At a Court of the Tongdaree Udalut

Present

G. L. Cooper Esqre. } Puisne Judges
W. A. Morehead Esqre. } Puisne Judges
T. L. Strange Esqre. } Puisne Judges

Read letter dated 21st. April 1853 from the late Acting Session Judge of Chittagong, submitting for the final judgement of this Court, the record of Case No. 18 of the Tongdaree Udalut the record of Case No. 18 of 1852 of the Calendar of the Session Court

Appellant F. H. No. 1004 of 1853.

The Court of Tongdaree Udalut

Mr. W. A. Morehead

on a deliberate consideration of all the circumstances of the case in evidence before them being of opinion that the proof against the prisoner

"Pillecumoo Ramasamy Naick"

is sufficient to convict him of the crime of manslaughter for which the penalty of Deyut is awardable under the Mahomedan Law as declared in futwas of their Law Officers do convict him thereof, but considering that the imprisonment he has already undergone is sufficient punishment do accordingly direct that he be set at liberty.

The

1 The Court of Foujdaree Udalut has concurred with the late Acting Session Judge in convicting the prisoner in this case of the crime of manslaughter but considering that there is no proof whatever that the death of the deceased was occasioned otherwise than by carelessness on the part of the prisoner in regard to the gun which had been entrusted to his keeping, the Court has deemed the imprisonment already undergone by the prisoner sufficient to meet the demands of justice and has accordingly directed his release.

2 The 2d question propounded by the Acting Session Judge to the Mahomedan Law Officer was clearly irregular, not having reference to any of those technical objections to evidence for the removal of which a second question is alone allowed.

3 The translation of the answer given by the Law Officer to the 2d question as entered in the record is incorrect and should have been as follows.

"If the prisoner is convicted of the crime specified in the question viz: Kutl-ba-sabab which is one of the descriptions of Homicide not being express murder his relations are liable to Deyet for the price of blood under the Mahomedan Law."

4 The Session Judge will be pleased to



to point out the above error to the translator of the Session Court.

Ordered that Extract from these Proceedings be forwarded to the Session Judge of Chingleput for his information and guidance and for communication to the late Acting Session Judge for the information and guidance of that Officer.

(Sent in No

Read Miscellaneous Petition presented on the 17th March 1853 by Narrainapillay of the Zillah of Trichinopoly.

(Mr. enter T. C. No 429 of 1853)

Petitioner complained that his house was searched for stolen property under a warrant issued by the Police Officer of Poodoocottah against Narrainapillay of Malaycottah (whereas he Petitioner is of Moudiar Cast in the Fort of Trichinopoly) that the Duffadar in charge of the warrant was rumored stated with and the above mistake pointed out to him, but he without informing the Magistrate or the Head of Police and first obtaining their assistance searched the house but no stolen property was found - that the Head Assistant Magistrate represented the irregularity of these proceedings by Yadast to the Magistrate and requested him

to

to bring them to the notice of the Political Agent but the said Duffadar is still trying to apprehend him under the said warrant. He therefore prays that the warrant may be recalled and such proceedings stopped for the future.

2 The Court of Foujdaree Udalut observe that the conduct of the Poodoocottah Duffadar in searching the Petitioner's house without first reporting his arrival to the Magistrate or the head of police and asking for their co-operation in the performance of his errand was both irregular and improper whether the Petitioner was the person described in the warrant or not and if not, as Petitioner avers, his conduct was still more reprehensible and should have been brought to the notice of the Political Agent as suggested by the Head Assistant Magistrate in his Yadast on the subject to the Magistrate. On this point the order of the Session Judge is silent.

3 Under the circumstances stated in this Petition the Court of Foujdaree Udalut resolve to send a copy thereof to the Session Judge by Precept requiring him to call upon the Magistrate for explanation, as well as to protect the Petitioner from further molestation on account of the said warrant in case he should be satisfied that the



Petitioner is not the individual referred to therein or in any way amenable to the authority of the Poodoocottah authorities.

Ordered that Extract from these Proceedings be forwarded to the Session Judge of Trichinopoly by Precept returnable within ✕ days from and after its receipt.

Sent following Precept No.

Read letter under date the 5th April 1853 from the Session Judge of Cuddapah.

(Here enter F. D. No. 812 of 1853)

The foregoing letter has advertance

1 to certain prisoners in a case set down for reference to the Court of Foujdaree Udalut who have been acquitted by the Session Judge in concurrence with his Mahomedan Law Officer but have been included in the reference, the Session Judge being of opinion that strong suspicion attaches to them and that they should be accordingly held to security.

The Session Judge desires to be informed

2 whether under the circumstance of the case having been set down for reference as regards all the prisoners it is necessary that the prisoners alluded to should be detained in Jail pending the final disposal of the

the case by the Foujdaree Udalut or whether it is competent to him to order their release on security.

3. The Session Judge would appear to have overlooked the rule laid down in Circular Order No 47 wherein it is expressly declared that it "is competent to a Session Judge to direct the release "on security of prisoners acquitted in a trial though "that trial may be referred to the Foujdaree Udalut "for sentence on other prisoners therein concerned" and the Court of Foujdaree Udalut do not consider that the fact of the prisoners in question having been erroneously included among those regarding whom the trial has been got down for reference to the Foujdaree Udalut as in any way necessitating the reference of their case to the Foujdaree Udalut.

Ordered that Extract from these Proceedings be forwarded to the Session Judge of Cuddapah for his information.

(Sent in Ltr 5

Ltr to Sess. Judge Cuddapah 4 May 1853

F. U.

Friday 6th May 1853.

At a Court of the Foujdaree Udalut.

Present,

Sd/ G. L. Hooper Esqre ——— Prisnl Judge
R de Jr W. A. Morehead Esqre ——— Prisnl Judge
W. T. L. Strange Esqre ——— Prisnl Judge

Read Calendar of Case No 12 of 1853 of the Session Court of Cuddalore.

(Here enter F. U. No 911 of 1853)

The Court of Foujdaree Udalut approve of the recommendation made by the Session Judge, that the sentence awarded the 1st Prisoner in this case on his conviction of the crime of Highway Robbery be reduced to 7 years imprisonment with hard labour in irons, and they authorize the Session Judge to issue his warrant accordingly.

The Court further direct that a 2 like sentence may also be carried out in the case of the 2d Prisoner, being of opinion that there are no circumstances which call for an exception being made in his favor.

Ordered that Extract from these Proceedings

Proceedings be sent to the Session Judge of Cuddalore for his information and guidance

(Section No.

Read letter under date the 23d April 1853 from the Session Judge of Cuddapah, forwarding English Translation of the record of Case No. 52 of 1852 on the Calendar of the Session Court, for the final Judgment of the Court of Foujdaree Adalut.

(Here enter F. H. No. 1007 of 1853)

The Court of Foujdaree Adalut on a deliberate consideration of all the circumstances of the case in evidence before them, is of opinion that the Prisoners,

1st J. Yerasadoo
and
2d A. Chengadoo,

are not convicted on presumptive proof or on the evidence of credible witnesses, or on their own confession, of the crime charged, do acquit them thereof, and direct that they be set at liberty.

1. On an attentive consideration of the record of this case the Court of Foujdaree Adalut have been unable to concur with the Session Judge in considering the evidence sufficient to convict the prisoners of having been concerned in causing the death



death of their sister Arava Mootty with whose murder they were charged.

The Court of Foujdaree Adalut

2. entirely discredit the evidence of the first five witnesses who state that they overheard the prisoners and the deceased quarreling together on the night when she is supposed to have met with her death. It is highly improbable that they should severally have happened to come within ear shot just at this critical period and equally so that they should not have given their information when the body was found and enquiry set on foot, the fact being that this information was not elicited until the deponents were examined before the Head of Police eight and nine days after the discovery of the body.

The purpose of the evidence given

3. by these witnesses was obviously to afford corroboration of the 2d prisoner's confession and the Court therefore see reason to question the genuineness of this confession although repeated before the Subordinate Court.

The Court of Foujdaree Adalut

4. have accordingly acquitted the prisoners and ordered their

6th May 1853

their unconditional release.

5.

The Session Judge made a serious omission in the trial of this case in not examining Mungah the mother of the deceased as to the identity of the body to which point she is described as having been the only person competent to dispose

Ordered that Extract from these Proceedings be forwarded to the Session Judge of Cuddapah for his information.

Sentence No.

Read Criminal Reports submitted by the Acting Session Judge of Masulipatam for the month of March 1853.—

(Here enter F. No. No 960 of 1853)

Cases No. 12. 1

In this case the prisoner was charged with "embezzlement and breach of trust" in having fraudulently applied and disposed of for his own use and benefit certain sums of money and stores with which he had been entrusted by his Master—

2

The Court of Foujdaree Adalut observe that the charge should have specified the value embezzled as nearly as it could be estimated—

Ordered that Extract from these Proceedings be forwarded to the Acting Session Judge of Masulipatam for his information.

(Sent in No.

F. A.

Saturday 7th May 1853

At a Court of the Foujdaree Adalut

Present

Mr. G. S. Hooper Esqre — Puisne Judge

W. A. Morehead Esqre — Puisne Judge

W. T. B. Strange Esqre — Puisne Judge

Read letter dated the 27th April 1853 from the Session Judge of Chingleput, submitting for the final judgment of the Foujdaree Adalut the record of Case No. 30 of 1852 on the file of that Session Court.

(Hereunto F. A. No. 985 of 1853)

Mr. G. S. Hooper

The Court of Foujdaree Adalut on a deliberate consideration of all the circumstances of the case in evidence before them being of opinion that the proof against the prisoner

2nd Chinnien alias Veerasawmy

is sufficient to convict him of the crimes charged do convict him thereof, and sentence him to be transported to such place or places beyond sea as the Governor in Council shall appoint there to be imprisoned and kept to hard labor on the public roads or other public works for and during the period of his natural life.

(Sent in No.

Read letter under date the 30th April 1853 from the Acting Session Judge of Masulipatam forwarding English translation of the record of Case No. 15 of 1853 on the Calendar of the Session Court for the final judgment of the Fouzdaree Udalut.

(Here enter T. C. No. 1038 of 1853)

Mr. R. A. Morehead.

The Court of Fouzdaree Udalut on a deliberate consideration of all the circumstances of the case in evidence before them being of opinion that the proof against the prisoners,

1st Chintala Chintaloo

2nd Yarrealoo Seabbanah

3rd Yarrealoo Peeroo

7th Chintala Veerapah

8th Chintala Seabbaiah

and

9th Chintala Yarrealoo,

is sufficient to convict them of assault for which according to the Mahomedan Law as declared in futwas of their Law officers discretionary punishment is awardable, do convict them thereof, and under the provisions of Clause third Section VII Regulation XI of 1803 and Section XXXIX Act XVII of 1843 sentence them to be imprisoned without labour for and during the period of (2) two months.



1. It appears to the Court of Fouzdaree Udalut that if the facts of this case had been properly sifted by the Police authorities the case would not have been committed to the Session Court.

2. The Court of Fouzdaree Udalut entirely discredit that part of the charge which relates to the alleged robbery but concur with the Acting Session Judge in convicting the 1st 2d 3d 7th 8th and 9th prisoners of having been more or less concerned in the assault.

3. Adverting however to the length of time the prisoners have been already in confinement, the Court have deemed a sentence of two months imprisonment sufficient to meet the demands of justice.

Ordered that Extract from these proceedings be forwarded to the Acting Session Judge of Masulipatam for his information.

(Sent in No.

Read letter under date the 18th April 1843 from the Acting Session Judge of Masulipatam.

Here enter T. C. No. 934 of 1853

In the foregoing letter the Acting Session

7th May 1853.

Session Judge applies for instructions as to the course to be adopted to procure the evidence of certain persons residing at Hyderabad, whose evidence is required in a case of Gang Robbery pending before the Session Court.

2 It will be the duty of the Acting Session Judge to require the attendance before his Court of the persons referred to, whose expences in proceeding to and from Masulipatam must be defrayed by Government, the issue of a commission for the examination of witnesses in Criminal Cases upon interrogatories which it is observed has been proposed in this case by the Resident at Hyderabad, not being authorized by Law.

Ordered that Extract from these proceedings be forwarded to the Acting Session Judge of Masulipatam for his information.

(Sent in No.

Read Calendar in Case No. 5 of 1853 submitted by the Session Judge of Mangalore

(Here enter F. No. 974 of 1853.)

1 The Court of Foujdaree Udalut approve of the recommendation made by the Session Judge in this case, that the imprisonment which the Prisoner noted in the margin should have been adjudged

Sookilaya Marthoran

to

F No

7th May 1853.

to suffer on his conviction of perjury be reduced to 1 years imprisonment with hard labor in irons and they do authorize the Session Judge to issue his warrant accordingly.

2. They observe that the Session Judge should however have recorded against the prisoner the sentence prescribed by the Regulations, and then have applied to this Court for their sanction to mitigate it.

Ordered that Extract from these proceedings be forwarded to the Session Judge of Mangalore for his information and guidance.

Read Calendar in Case No 6 of 1853 submitted by the Session Judge of Mangalore.

(Here enter F. No. 975 of 1853)

The Court of Foujdaree Udalut approve of the recommendation of the Session Judge in this case that the imprisonment which the prisoner noted in the margin should have been adjudged to suffer on his conviction of perjury be reduced to 4 months imprisonment with hard labor in irons, and they do authorize the Session Judge to issue his warrant accordingly.

Lokaya Shetty

2. They observe however that the Session

Session Judge should have recorded against this
sooner the sentence prescribed by the Regulation
then have applied to this Court for their sanction
mitigate it.

Ordered that Extract from these
Proceedings be forwarded to the Session Judge
Mangalore for his information and guidance

Sent in Ns.

Read Calendar of Cases Ns 4
on the file of the Session Court of Rajahmundry

(Here enter F. Uc Ns 950 of 1853)

1

The prisoner in this case
prosecution has been convicted by the Session Court of
having connived at the escape of four prisoners and
has been sentenced to five years imprisonment
hard labor in irons.

2

The sentence passed appears to the
Court of Foujdaree Udalut to be unnecessarily severe
there being nothing established against the prisoner
to prove corruption on his part or any aggravating
circumstances in the case

3

The Court of Foujdaree Udalut cannot
readily resolve to sanction a reduction of the period of
imprisonment adjudged to the prisoner to one year and
the Session Judge to consider such mitigation of sentence as

7th May 1853.

he may see proper he will be pleased to forward an English
translation of the record of the trial for the consideration
of the Foujdaree Udalut

The Court of Foujdaree Udalut have
repeatedly forbidden the practice of detaching four
prisoners under a single peon apart from the
other prisoners to a distance from the Jail and they
direct that this practice be discontinued in the
Rajahmundry Jail.

Ordered that Extract from these
proceedings be forwarded to the Session Judge
of Rajahmundry by precept returnable within
days from and after its receipt

Sent following precept Ns

Read letter dated the 16th April 1853
from the late Acting Session Judge of Chingleput
submitting for the final judgment of the Foujdaree
Udalut the record of Case Ns 26 of 1852 on the file
of the Session Court.

(Here enter F. Uc. Ns 969 of 1853)

The Court of Foujdaree Udalut on
a deliberate consideration of all the circumstances
of the case in evidence before them being of opinion
that the proof against the prisoners,

Mr. N. A. Morehead
Mr. J. L. Strange

1st Moonesawmy Naik

2d

2d Chengulroya Naik

3d Paroomal Naik

and

4th Venkatasamy Naik,

is sufficient to convict them of the crime charged do convict them thereof, and sentence the prisoners

1st Moonesawmy Naik

and

2d Chengulroya Naik

to be transported to such place or places beyond sea as the Governor in Council shall appoint thereto be imprisoned and kept to hard labor on the public roads or other public works for and during the period of their natural lives - and the prisoners

3d Paroomal Naik

and

4th Venkatasamy Naik,

to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of (10) ten years -

(Sent in No

Read letter under date the 28th March 1853 from the Session Judge of Coimbatore

(Here enter F No. No 758 of 1853)

In the foregoing letter the Session Judge has referred for the opinion of this Court of Foujdaree Udalut a question propounded by the Joint Magistrate



Magistrate at Polacammund in regard to the construction of Section xxxix Regulation xx of 1816 whether the term injury made use of in Clause second of the Section quoted may be construed to include the various kinds of injury to which persons are liable not directly involving hurt to their persons or the actual damage of their property.

The Session Judge considers

2.

that the term referred to must as used in the Clause quoted be restricted in its application to "damage or hurt to the person or property of the complainant which property moreover must be of a tangible corporeal nature and the injury a positive hurt or damage thereto, not a mere moral or constructive injury"

The Court of Foujdaree Udalut

3.

concur with the Session Judge in his construction of the Clause quoted.

Ordered that Extract from these Proceedings be forwarded to the Session Judge of Coimbatore for communication to the Magistrate for his information and guidance.

(Sent on No

Read

7th May 1853.

Read Calendar of Case No. 12 of 1853 on the file of the Session Court of Cuddapah.

(Here enter F. C. No. 783 of 1853)

1. The prisoner in this case, a female, was committed to the Session Court on a charge of Murder, and as she appeares to be insane when placed at the bar for trial the preliminary enquiry prescribed in para. 7 of the Circular Order of the Foujdaree Adalut under date the 1st of June 1829 was instituted by the Session Judge, who, considering it proved that she was insane when she committed the act charged against her, has discharged her from further trial in accordance with the instructions conveyed in Circular Order No. 133, and remanded her to the Subordinate Criminal Judge to be dealt with as a Lunatic.

2 The Court of Foujdaree Adalut are of opinion that the rules laid down in para 6 and 7 of the Circular Order of the 1st June 1829 and in Circular Order No. 133 have been superseded by the provisions of Act IV of 1849, the intention of which enactment would seem to be, that every person charged with a Criminal offence which may appear to have been committed under the influence of insanity, shall be placed on his trial for the offence charged, whether

or

7th May 1853.

or not he may show symptoms of insanity when placed at the bar, with a view to a special verdict being recorded in the event of its being proved that he was of unsound mind when he did the act charged against him.

3 The Court of Foujdaree Adalut accordingly direct that the prisoner in this case be placed on his trial and the case disposed of under the provisions of the Act above quoted.

Ordered that Extract from these Proceedings be forwarded to the Session Judge of Cuddapah by Precept returnable within xxx days from and after its receipt.

(Sent following) Precept No. 5

Ed 1st

F. Uo.

Monday 9th May 1853 } At a Court of the Fouzdaree Udalut

Present

G.S. Hooper Esquire
W.A. Morehead Esquire } Puisne Judges
T.L. Strange Esquire

Read Extract from the Minutes of Consultation under date the 3d May 1853--

(Here Enter F. Uo. No 1031 of 1853)

Adverting to the Orders of Government the Court of Fouzdaree Udalut direct that the Petitions of John Phillips, late Jailer at Trichinopoly, be forwarded to the Sessions Judge Mr Greenway and that he be called upon to submit a distinct answer to the allegations therein contained.--

The Court of Fouzdaree Udalut further direct the Sessions Judge to explain the cause of the Jailer J. Phillips's dismissal from his situation and to forward for their information copies of all orders passed by the Sessions Judge relative thereto.--

Ordered that Extract from these Proceedings be forwarded to the Sessions Judge of Trichinopoly by precept returnable within III days from and after its receipt.--

(Sent following Precept No )

Dr R.D.

F. U.

Tuesday 10th May 1853 } At a Court of the Foujdaree Udalut

Present

G.S. Hooper Esquire
W.A. Morehead Esquire } Puisne Judges
T.L. Strange Esquire

Read again report of Cases pending before the Session Court of Cuddapah for more than 25 days on the 31st March 1853.

(Here enter F. U. No. 796 of 1853)

Read also return under date the 21st April 1853 from the Session Judge of Cuddapah to the precept of the Foujdaree Udalut dated the 16th April 1853 calling for explanation of the delay in the transmission of the records of certain Cases entered in the foregoing report.

(Here enter F. U. No. 940 of 1853)

The explanation submitted in the foregoing return is far from satisfactory and shows the necessity of improved arrangements for the performance of the business in the Session Court.

Ordered that Extract from these Proceedings be sent the Session Judge of

of Cuddapah for his information and guidance

(Sent in No )

Read Calendar of Cases Nos 14 and 15 of 1853 of the Sessions Court of Combaconum

(Here enter F.H. No 987 of 1853)

The Court of Foujdaree Udalut approves of the recommendation made by the Sessions Judge in this Case that the imprisonment which the Prisoner noted in the Margin has been adjudged to suffer on his conviction of the Crimes of Forgery and subornation of Perjury be reduced to 2 years imprisonment with hard labor in irons, and do they do authorize the Sessions Judge to issue his warrant accordingly.

Chramsala Mercoy: new

Ordered that Extract from these Proceedings be forwarded to the Sessions Judge of Combaconum for his information.

(Sent in No )

Read letter under date the 28th April 1853 from the Acting Sessions Judge of Nellore

(Here Enter F.H. No 992 of 1853)

1 The Acting Sessions Judge submits for the opinion of the Court of Foujdaree Udalut whether a person is punishable for compromising a theft.

2 The Court of Foujdaree Udalut have to point out to the Acting Sessions Judge that



that the proper course to be taken for solution of doubts which he may have as to an Act being punishable or not for which no provision is made in the Regulation is to ascertain from the Mahomedan Law Officer whether it is penal under the Mahomedan Law.

Ordered that Extract from these Proceedings be sent to the Acting Sessions Judge of Nellore for his information.

(Sent in No )

Read letter under date the 5th May 1853 from the Acting Sessions Judge of Trichinopoly.

(Here enter F.H. No 1067 of 1853)

The Court of Foujdaree Udalut direct that the sentence passed in the Cases referred to in the foregoing letter be declared by the Acting Sessions Judge. The trials having been completed before Mr Greenway the delay which has occurred in recording their sentences does not affect their legality.

Ordered that Extract from these Proceedings be sent to the Acting Sessions Judge of Trichinopoly for his information and guidance.

(Sent in No )

Read Statement under date the

the 30th Ultimo submitted by the Sessions Judge of Honore showing the amount realized by the labor of Prisoners in the Jail at Honore in the 1st Quarter of 1853.

(Here Enter F. C. No. 1052 of 1853)

Read Statement under date the 5th Ultimo submitted by the Sessions Judge of Honore showing the amount realized by the labor of Prisoners in the Jail at Sircy in the 1st Quarter of 1853.

(Here enter F. C. No. 1053 of 1853)

Read report under date the 1st Instant submitted by the Acting Sessions Judge of Nellore of cases pending for the Months of April last.

(Here enter F. C. No. 1056 of 1853)

Read report under date the 3d Instant submitted by the Sessions Judge of Combatore of cases pending on the 31st March and committed for trial before him for the Months of April 1853.

(Here Enter F. C. No. 1059 of 1853)

Read return under date the 6th Instant from the Subordinate Criminal Judge in charge of Cuddapah to the precept of the Foujdaree Udalut under date the 27th April 1853 requiring an explanation of the delay which occurred in

10th May 1853.

in the transmission to the Foujdaree Udalut of the Record of Case No. 2 of the Calendar for 1853.

(Here Enter F. C. No. 1061 of 1853)

Read Calendar of Case No. XVIII. of 1853 submitted by the Sessions Judge of Madura under date the 5th Instant.

(Here Enter F. C. No. 1063 of 1853)

Read Calendar of Case No. 15 of 1853 submitted by the Sessions Judge of Tinnevelly under date the 4 Instant.

(Here Enter F. C. No. 1067 of 1853)

2d 1853

F. Uc.

Wednesday 11th May 1853 } At a Court of the Foujdaree Udalut

Present

G. S. Hooper Esquire
W. A. Morehead Esquire } Puisne Judges
T L Strange Esquire

Read again Calendar of Case No 46 of 1853 of the Session Court of Masulipatam

(Here Enter F. Uc. No 27 of 1853)

Read also Letter under date the 18th Ultimo from the Acting Session Judge of Masulipatam—

(Here Enter No 925 of 1853)

The Court of Foujdaree Udalut approve of the recommendation made by the Session Judge in this Case that the imprisonment which the Prisoner noted in the margin has been adjudged to suffer on her conviction of the crime of Theft 4th be reduced to three years imprisonment with labor suited to her sex and they do authorize the Session Judge to issue his warrant accordingly—

2d Kadapoody Venkty

Ordered that Extract from these Proceedings be forwarded to the Acting Session Judge of Masulipatam for his information—

(Sent on No )

Read

Read Calendar of Case No. 12 of 1853 on the file of the Sessions Court of Coimbatore

(Here enter H. Uc. No. 916 of 1853)

Adverting to the nature of the Crime of which the Prisoner in the foregoing Case has been convicted and the evidence used by him the Court of Fouzdaree Udalut are of opinion that the mitigated sentence recommended by the Sessions Judge is insufficient to meet the ends of justice, and they resolve therefore to sentence the Prisoner

Iroopaty Chetty

to be imprisoned with hard labor in irons for and during a period of 5 years, and to direct that the Sessions Judge do issue his warrant accordingly.

Ordered that Extract from these Proceedings be forwarded to the Sessions Judge of Coimbatore for his information and guidance.

(Sent in No.)

Read letter dated 2d May 1853 from the Sessions Judge of Madura submitting for the final Judgment of the Fouzdaree Udalut the record of Case No. 13 on the Calendar of the Sessions Court for the year 1853.

(Here enter H. Uc. No. 1017 of 1853)

Mr. W. A. Morehead

The Court of Fouzdaree Udalut on a deliberate consideration

of



of all the circumstances of the Case in evidence before them being of opinion that the proof against the prisoners

1st Audookolly Chinna pitchay

Commandah Rowlen

2d

3d Pitchay Rowlen

is sufficient to convict them of the Crime of Manslaughter for which the penalty of Deyut is awardable under the Mahomedan Law as declared in Fetwas of their Law Officers & Convicted them thereof and under the provisions of Section XI Regulation VIII of 1802 and Section XXXIV Act XVII of 1843 sentence them to be imprisoned and kept to hard labor in Irons on the public roads or other public works for and during the period of (3) three years.

(Sent in No.)

Read letter dated 5th Instant from the Acting Sessions Judge of Trichinopoly forwarding a list of Criminal Cases now pending before the Sessions Court.

(Here enter H. Uc. No. 1070 of 1853)

Read return dated 5th Instant from the Agent to the Governor of Fort St. George at Vizagapatam to the precept of the Fouzdaree Udalut under date the 22d April 1853 calling

calling for explanation in Case No V of the Agents file.—

(Here enter F. C. No 1072 of 1853)

Read Extract from the Proceedings of the Session Court of Cuddalore under date the 9th Instant on review of the Petty Calendars of the Magistracy for the 1st Quarter of 1853.—

(Here enter F. C. No 1073 of 1853)

Read Calendar of Cases No 19 of 1853 submitted by the Session Judge of Madura under date the 7th Instant.—

(Here Enter F. C. No 1075 of 1853)

Read Extract from the Proceedings of the Session Court of Trichinopoly under date the 5th May 1853 on review of the Magistrate Petty Calendars for the 1st Quarter of 1853.—

(Here Enter F. C. No 1076 of 1853)

Read return under date the 7th May 1853 from the Acting Session Judge of Trichinopoly to the precept of the Fonjdaree Udalut under date the 31st March 1853 directing the Session Judge with reference to his letter of the 17th Instant to forward the report required by Circular Order Fonjdaree Udalut No 183 dated 6th January 1847.—

(Here Enter F. C. No 1077 of 1853)

Ed 18 C



XXX

Thursday 12th May 1853 } At a Court of the Fonjdaree Udalut

Present

G. S. Hooper Esquire
W. A. Morehead Esquire
T. L. Strange Esquire
} Puisne Judges.

Read letter under date the 25th April 1853 from the Agent to the Governor at Kurnool.—

(Here Enter F. C. No 998 of 1853)

The Agent requests the Courts

1. instructions whether Prisoners sentenced by Courts Martial to imprisonment with hard labor may be placed in Irons.—

The Court of Fonjdaree Udalut resolve to forward a Copy of this

2. Court's instructions on the subject under reference under date the 20th April 1840 for the information and guidance of the Agent at Kurnool.—

Ordered that Extract from these Proceedings be forwarded to the Agent to the Governor of Fort St George at Kurnool for his information and guidance.—

(Sent in No )

Ed 18 C

Y 66

Saturday
14th May 1853

At a Court of the Sabaragamuwa Adalat.

Present

GPH — G. S. Hooper Esquire
WH — W. H. Morshead Esquire
HL — H. L. Strange Esquire
} Puisne Judges.

Read Miscellaneous Petition presented on the 4th April 1853 by Cundasha Modelly of the Village of Chinglepet.

(Reserved for W.P. No. 490 of 1853)

Mr. H. L. Strange

The Petitioner appeals from an order passed by the late Acting Sabaragamuwa Judge of Chinglepet under date the 1st November 1852 confirming certain orders passed by the Magistrate of Chinglepet with reference to a charge of forgery preferred by him which has been dismissed as unfounded.

Petitioner has advanced nothing in this petition to lead the Court of Sabaragamuwa Adalat to question the propriety of the order passed in the matter to which he prefers.

The Court of Sabaragamuwa Adalat consequently declines to accede to the prayer of his petition

ordered

Ordered that Extract from these proceedings be furnished to the Petitioner on his application.-

Read Letter under date the 31st March 1853 from the Sessions Judge of Tinnevelly forwarding English translation of the record of Case No 9 of 1853 on the Calendar of the Sessions Court for the final Judgment of the Court of Foujdaree Adalut.-

(Here enter F.H. No 790 of 1853)

Mr G.S. Cooper
" J.L. Strange

The Court of Foujdaree Adalut on a deliberate consideration of all the circumstances of the Case in Evidence before them being of opinion that the Prisoner

Shaik Mohideen

is not convicted on presumptive Proof or on the evidence of credible witnesses, or on his own confession, of the crime charged, do acquit him thereof, and direct that he be set at liberty.-

The Court of Foujdaree Adalut have acquitted the Prisoner in this Case on the grounds assigned by them in their proceedings of this date for the acquittal of the Prisoner in Case No 9, the circumstances in evidence being precisely the same in both the Cases.-

Ordered



Ordered that Extract from these Proceedings be sent to the Sessions Judge of Tinnevelly for his information.-

(Sent in &c)

Read Criminal Reports submitted by the Sessions Judge of Coimbatore for the month of March 1853.-

(Here enter F.H. No 932 of 1853)

Adverting to the number of Cases entered in these Reports which have been disposed of by requisition of Scarcity the Court of Foujdaree Adalut resolve to direct the attention of the Sessions Judge to the observations contained in their proceedings of the 5th Ultimo.-

Ordered that Extracts from these proceedings be sent to the Sessions Judge of Coimbatore for his information and for communication to the Principal Sudr Ameen and Sudr Ameen.-

Read Miscellaneous petition presented on the 10th Ultimo by S Auchterlony Esquire Vakeel on behalf of Godavaya Sreenivasah of Tillah Nellore.-

(Here enter F.H. No 57 of 1853)

Mr W.A. Morehead.-

The Court of Foujdaree Adalut

direct

direct that the foregoing petition together with the letter addressed to the Magistrate of Attore be forwarded to him for any information he may have to offer with reference thereto.-

Ordered that Extract from these proceedings be forwarded to the Magistrate of Attore by precept returnable within six days from and after its receipt &.-

(Sent following precept &c.)

Read Miscellaneous petition presented on the 14th April 1953 by S Rama Saib late Sub Asst of Tirchinopoly.-

(Exr entr F.H. No 24 of 1953)

Mr J.L. Strange.-

Before disposing of this Petition the Court of Sayedaree Adalut proposes to send it to the Sessions Judge of Tirchinopoly and to call upon that officer to report upon the matter contained therein and to explain upon what grounds Petitioner was dismissed from his situation.-

Ordered that Extract from these proceedings be sent to the Sessions Judge of Tirchinopoly by precept returnable within 6 days from and after its receipt.-

(Sent following precept &c.)

ordered



Ordered also that Extract from these proceedings be granted to the Petitioner on his application.-

Read Miscellaneous Petition presented on the 24th March 1953 by Moodoo Pistrie of the Zillah of Madura.-

(Exr entr F.H. No 46 of 1953)

Mr W.J. Morehead

Petitioner prays that this Court will proceed the sentence passed against his elder brother Soobha Narainin 1st prisoner in Case No 1 on the file of the Sessions Court of Madura for 1848.-

2 The Court of Sayedaree Adalut observes that the 1st prisoner in Case No 1 above mentioned was sentenced by this Court after the record of trial had been considered by them

The sentence passed is final

the Petition is therefore rejected.-

Ordered that Extract from these proceedings be granted to the Petitioner on his application.-

Read letter under date the 31st March 1853 from the Sessions Judge of Tinnevelly forwarding English Translation of the record of Case No 8 of 1853 on the Calendar of the Sessions Court for the final Judgment of

14th May 1853.-

of the Court of Faydaree Adalut.

/Herewith F. H. A.s 790 of 1853/

Mr G. Hooper

Mr J. L. Stronge

The Court of Faydaree Adalut on a deliberate consideration of all the circumstances of the Case in evidence before them being of opinion that the prisoner

Sultanurra Rowtun

is not convicted on presumptive proof or on the evidence of credible witnesses or on his own confession of the crime charged, do acquit him thereof and direct that he be set at liberty.

1

The prisoner in this Case was charged with perjury in having as a witness in support of a charge of murder preferred against one Fagoo Rathun Surra Rowtun and another deposed upon Solemn affirmation that he had witnessed the Murderers assault which resulted in the death of the individual Hyoornuny Rattun Coomo Rowtun with whose murder the accused was charged, whereas in truth and in fact the said individual died a natural death from cholera.-

2

The evidence for the prosecution went to show that the deceased had died of cholera and the Sessions Judge has considered this evidence sufficient for the conviction of the

14th May 1853.-

the prisoner but in consequence of a difference of opinion on the part of the Mahomedan Law officer has referred the trial for the final Judgment of the Faydaree Adalut.-

3

Three witnesses the 2d 10th and 11th have deposed to having seen the deceased actually ill with Cholera.- The Law officer has distrusted their evidence on the general ground that it presents only the sworn statements of one party against another each deposing to conflicting facts and especially as the said three witnesses were all in a position to be instructed in the behalf of the accused S. Rowtun the 2nd witness being his brother's son, the 10th the said brother's wife and the 11th his (S. Rowtun's) Servants; and that it being proved that at the time of the death of the deceased, cholera was not prevailing in the place where he died.-

4

The reasons assigned by the Mohamedan Law officer for distrusting the above evidence appear to the Court of Faydaree Adalut to be forcible and the Court have accordingly concurred with him in the acquittal of the accused; the defence of death by Cholera is a common one & where as in

in this instance the sudden death of an individual is to be accounted for and the Court of Sunjdaree Udalut see nothing in the circumstances of the case to render it more improbable that the evidence adduced by the persons accused of the murder was false than that the prisoner in this case has been guilty of the perjury laid to his charge.-

5 The persons accused are shewn to be people of opinions and consideration in their Village and might readily command such evidence as has been adduced in their behalf and seeing that the three main witnesses are either related to them or in their service and that the 3d witness who has been brought forward to support their testimony in a promiscuous manner is also employed by them being N. Rowtins Accountant the Court of Sunjdaree Udalut consider that it would be most dangerous to found a conviction of Perjury upon the evidence adduced by them.-

Ordered that Extract from these proceedings be sent to the Sessions Judge of Tinnevelly for his information.-

/Sent in Ltr.

Read



Read Calendar of Prisoners in Case No 10 of 1853 on the file of the Sessions Court of Coimbatore.-

/Ferrister No 10 of 1853/

The prisoners in this case were charged with a conspiracy to pervert the ends of public justice the 1st prisoner in having received a bribe of Rupees 300 from the 2d prisoner for the alleged purpose of obtaining the conviction of certain persons in a case in which the 2nd prisoner was prosecutor and the 2d prisoner in having given the said bribe to the 1st prisoner with the object above stated.-

2 The Sessions Judge in concurrence with his Mohomedan Law officer has convicted both prisoners and sentenced the 1st prisoner to three months imprisonment with moderate labor without irons and to pay a fine to Government of Rupees 900 commutable in default of payment to further imprisonment for twelve months and the 2d Prisoner to six weeks Imprisonment with moderate labor without irons and to pay a fine of Rs 300 commutable in default of payment to further Imprisonment for six months.-

3. The Court of Sunjdaree Udalut consider that under all

14th May 1953.-

all the circumstances of the case as it affects the 2nd prisoner the Imprisonment adjudged him will be sufficient to meet the demands of justice and they accordingly authorize the remission of the fine imposed upon the 2nd prisoner

Should the Sessions judge dissent from the above opinion he will be pleased to forward an English translation of the proceedings for the consideration of the Joydaree Adalut

Ordered that Extract from these Proceedings be forwarded to the Sessions Judge of Combatore by precept returnable within x days from receipt of this precept.-

Read Calendar of Case No 5 of 1953 submitted by the Sessions Judge of Chicacole under date the 4th May 1953.-

(Here enter J.C. No 1079 of 1953)

Read Calendar of Case No 44 of 1953 submitted by the Sessions Judge of Bonare under date the 4th May 1953.-

(Here enter J.C. No 1081 of 1953)

Read Report dated 1st May 1953 submitted by the Subordinate Criminal Judge of Cuddapah of Cases pending on the 31st March 1953.-

(Here enter J.C. No 1086 of 1953)

Read

14th May 1953.-

Read Return dated the 7th May 1953 from the Sessions Judge of Madura to the precept of the Joydaree Adalut under date the 4th May 1953 remarking with reference to the finding in Case No 15 of the Calendars for 1953 that the Sessions Judge ought to have specified in what particulars the evidence was improbable and incredible.-

(Here enter J.C. No 1087 of 1953)

Read Calendar of Case No 20 of 1953 submitted by the Sessions Judge of Madura under date the 9th May 1953.-

(Here enter J.C. No 1088 of 1953)

Read Petty Calendars submitted by the Acting Sessions Judge of Nellore under date the 9th May 1953 for the 1st Quarter of 1953.-

(Here enter J.C. No 1089 of 1953)

Read Calendars of Cases Nos 9 and 9 of 1953 submitted by the Sessions Judge of Chingleput under date the 11th May 1953.-

(Here enter J.C. No 1091 of 1953)

Read Calendar of Case No 7 of 1953 submitted by the Acting Sessions Judge of Masulipatam under date the 9th May 1953.-

(Here enter J.C. No 1094 of 1953)

&c &c &c

F.C.

Monday.
16th May 1853

At a Court of the Faujdaree Adalut.

Present

Wm. G. S. Draper Esquire
Jn. W. A. Morehead Esquire
W. J. L. Strange Esquire
} Puisne Judges.

Read letter from the Agent to the Governor in Vizagapatam forwarding Translation of a Petition from Bommidy Timmatarasah prisoner in Case No. 5 of 1853 on the file of the Agents Court.

Vide entry F.C. No. 983 of 1853.

1 The Court of Faujdaree Adalut see nothing in this Petition which would lead them to question the correctness of the convictions of the murder laid to his charge for which the Prisoner has been sentenced to suffer death.

2 The Court fully concur with the Agent in discrediting the representation set forth in the Petition which if founded on fact would obviously have been brought forward by him during the trial on Civil

of

of his taking upon himself the guilt of murdering the deceased.-

3 The Court of Foujdaree Adalut conclude that the sentence has been already carried out.-

Ordered that Extract from these Proceedings be sent to the Agent to the Governor of Fort St. George at Vizagapatam for his information.-

/Sent in &c/

Read again Calendar of Case No. 64 of 1852 on the file of the Sessions Court of Calicut.-

/Here enter F.C. No. 382 of 1853/

Read also Miscellaneous Petition forwarded by the Sessions Judge of Calicut from Royappan and Kovuky Parecha, Prisoners in the foregoing Case.-

/Here enter F.M.P. Nos. 43 & 44 of 1853/

Read also Return under date the 15th March 1853 and Supplemental Return under date the 13th April 1853 from the Sessions Judge of Calicut to the Precept of the Foujdaree Adalut dated the 24th February 1853 directing the Submission of an English translation of the entire



entire Record of the foregoing Case.-

/Here enter F.C. Nos. 886 & 889 of 1853/

Seven prisoners in this case

Mr. G. Cooper.
" W. A. Morehead.- were charged with robbery by open violence in having on the night of the 15th November 1852 in company with the 1st and 2nd Portuguese and certain other persons proceeded to the Prosecutors house at Karamoor - in Calicut armed with Muskets Cutlasses Sticks and other weapons and carrying lighted Torches and with having broken into the house ill treated the Prosecutor and other inmates and robbed therefrom ready money ornaments &c. - valued at Rupees 930-11-0 - -

2 The 1st 2d and 4th prisoners were further charged with having in their possession part of the above property - valued at Rupees 6-7-2 knowing it to have been stolen.-

3 The Sessions Judge in concurrence with his Mohammedan Law Officer convicted the 1st 5th and 6th Prisoners of the robbery laid to their charge and sentenced them severally to 14 years imprisonment with

with hard labor in irons submitting a recommendation in favor of the 5th Prisoner that in his case the prescribed period of imprisonment should be reduced to two years.-

4 The 2d 3d 4th and 5th Prisoners were acquitted but on the ground that strong suspicion attached to them were placed severally under Requisitions of Security.-

5 On an attentive perusal of the Record the Court of Tanjore Adalut considers the evidence insufficient for the conviction or even for the Requisition of Security from any of the Prisoners charged and they accordingly resolve to reverse the Sentence passed upon the 1st 5th and 5th Prisoners, and to direct their unconditional release and the annulment of the Requisition of Security under which the 2d 3d 4th and 5th Prisoners have severally been placed.-

6 The evidence of the approvers appear to the Court to be questionable in itself and not to be supported by unexceptionable corroborative evidence. The Court of Tanjore Adalut cannot rely upon the alleged identification of the property found



found and claimed by the Prosecutor which from its nature is clearly most difficult to be identified and cannot therefore be considered to afford any evidence of the Prisoners complicity in the crime charged against them.-

Their alleged recognition of some of the Prisoners at the time of the robbery is rendered doubtful by the fact of their not having been at once denounced by the Prosecutor and his party to the Peons proceeded to the house shortly after the Robbery and forwarded the 1st Report of it to the Head of Police.-

Ordered that Extract from these Proceedings be forwarded to the Sessions Judge of Calicut for his information, and guidance and for communication to the Petitioner by Precept returnable within 15 days from and after its receipt.-

Sent following Precept &c

E Thos

F. U.

Tuesday
17th. May 1853.

At a Court of the Foujdaree Udalut.

Present.

G. S. Hooper Esquire
W. A. Morehead Esquire
T. L. Strange Esquire
} Puisne Judges.

Read letter under date the 22d. April 1853. from the Session Judge of Salim forwarding copy of a letter from the Magistrate of Salim with reference to the order passed by the Session Court in a case disposed of by the Magistrate under the provisions of Section VII. Regulation X of 1816.-

/Fine entr. R.b. N.o 956 of 1853./

1. The foregoing letters have reference to a case disposed of by the Magistrate of Salim under the provisions of Section VII Regulation X of 1816 in which the prisoner, a dismissed Cumum, was charged with having fraudently withheld or destroyed certain public accounts connected with the assessment of the District and was sentenced by the Magistrate to six weeks Imprisonment.-

2. This sentence having been reversed by the Session Judge on the ground that the offence charged

charged, was not cognizable under the Regulation quoted and that it should have been trialed by the Collector under the provisions of Sections II & V Regulation IX of 1822, the Magistrate questions the correctness of the above construction of the law and has requested that the matter may be referred for the opinion of the Foujdaree Udalut.—

3. The Magistrate considers himself incompetent to apply the provisions of Sections II & V Regulation IX of 1822 to the case in question, the accused having been dismissed from his Office of Curnum fourteen months prior to his arraignment before the Magistrate's Court.—

4. The Court of Foujdaree Udalut concur in the opinion recorded by the Session Judge in his proceedings of the 9th April 1853 that the offence charged is cognizable by the Collector under Section V Regulation IX of 1822. the offence in question having thereby arisen out of the employment of the accused as Curnum; the fact of his dismissal from his situation does not appear to the Court of Foujdaree Udalut to present any bar to its being dealt with under the Regulations above quoted.—

Ordered that Extract from these Proceedings be sent to the Session Judge of Sattara for communication to the Magistrate.—

(Sent in No.



Read letters under date the 22d and 26th April 1853 from the Magistrate of Canara.—

(Fine inter F.D. No. 1001 & 1017 of 1853)

Read also letter under date the 26th April 1853 from the Session Judge of Honore.—

(Fine inter F.D. No. 1024 of 1853.)

1. The foregoing correspondence has reference to a charge preferred by Mr. Silver the additional Joint Magistrate of Honore against Mr. Lascelles Session Judge of Honore to the effect that the labor of the Convicts at that Station has been improperly employed by Mr. Lascelles upon his private premises and that the public works have in consequence been neglected and permitted to fall out of repair, the only specific instance adduced by Mr. Silver in support of the charge preferred by him being the employment of these Convicts on the morning of the 10th March last as a "Zigzag" path which Mr. Silver states is in Mr. Lascelles' compound.—

2. It appears from Mr. Lascelles' letter of the 26th Ultimo that Mr. Silver is in error in describing the pathway referred to as being on Mr. Lascelles' property and that as the contrary the ground through which it runs is the property of Government.—

3. The Court of Foujdaree Udalut

consider

consider Mr Lavelles explanation to be perfectly satisfactory and Mr Silva's proceedings throughout the matter to have been most uncalled for and very reprehensible in every point of view.-

Orders that Extract from these Proceedings be sent to the Session Judge of Honore for his information.-

(Sent in Pc )

Orders also that Extract from these Proceedings be sent to the Magistrate of Canara for communication to the Additional Joint Magistrate.-

(Sent in Pc )

Read letter under date the 6th May 1853 from the Acting Sessions Judge of Cuddalore forwarding English Translation of the Record of Case No 10 of 1853 on the Calendar of the Sessions Court for the finding & judgment of the Court of Sanjdarce Adalut.-

(Here enter J C No 1060 of 1853)

Mr C & Hooper
" T L Stronge

The Court of Sanjdarce Adalut on a deliberate consideration of all the circumstances of the Case in evidence before them being of opinion that the Prisoners

1st Veerasawmy Razo

and

2d Mohommed Saw

are not convicted on presumptive proof or on the evidence of credible witnesses, or on their own confession of



of the crime charged, do acquit them thereof and direct that they be set at liberty.-

1 The Prisoners a deputy jailer and jail peon, are charged with having on the 25th March 1853 connived at the escape of a convict undergoing his sentence in the jail at Cuddalore.-

2 It is clearly shewn that the convict escaped by concealing himself in the weaving room abutting upon the north wall of the jail and boring a hole in the wall by means of an iron instrument which with a file and his fetters were found near the spot after his escape.

3 The Acting Sessions Judge considering it established that from the position of the prisoners the entrance of the escaped convict into the weaving room, could not have been effected without their cognizance, and that their guilty knowledge and connivance were fully apparent pronounced the sentence of imprisonment of each of the prisoners for 5 years on banishment to another Zillah.- He discredited the evidence of the 2 Witness as to the previous plotting of the convict to escape with the first prisoner and as to himself (Witness) having been the medium of conveyance of a bribe from the escaped convict to that Prisoner.-

4 The Mohomedan Law officer entirely acquitted the second prisoner and considered the 1st prisoner liable to suspicion only.-

the

5 The Court of Faujdaree Adalut observe that there was no evidence before the Sepoy Court to fix the exact time of the escape, which was discovered at 1 P.M. but that in the preliminary enquiry of the Sepoy judge held on his capacity of Officer in charge of the jail it appeared that it had not occurred at 10 A.M.-

6 The only evidence bearing on this important point is that of the 3rd Witness for Convict, which appears to the Court of Faujdaree Adalut unworthy of any credit. His deposition before the Sepoy Court, besides being delivered in a most suspicious manner, and containing several serious discrepancies, is utterly at variance on this most material point with that delivered by him before the Principal Sudr Ameen and in the preliminary enquiry of the Sepoy judge before the Sepoy Court, though evidently anxious to criminate the Prisoners, and while stating generally that they were aware of the concealment of the escaped Convict in the weaving room, when pressed he prevaricated and quite failed to reconcile his statement with those previously delivered by him.-

7 On the other hand the 1st Prisoner has pleaded that he was absent from the jail from 9 till 11 A.M. and there is nothing on the record to disprove the assertion, and the preliminary inquiry shows that the



the 2d Prisoner was relieved from his post at 7 P.M.

8 The Court of Faujdaree Adalut are therefore of opinion that far from leading to an irresistible inference of the Prisoners guilty knowledge of the escape, the evidence fails to establish that they were on duty at the time that it was effected.-

9 They agree with the Acting Sepoy Judge in his estimate of the 3d Witness, who states that he by the direction of the escaped convict, conveyed a piece of gold and some jewels to the 1st Prisoner, and as to the existence of intimate communication between the 1st Prisoner and the escaped Convict. If such communication existed, there could have been no reason for employing a third party to convey the bribe, moreover in his examination in the preliminary inquiry, he omitted all mention of this important circumstances.-

10 The evidence of the 3d Witness for Convict as to overhearing the escaped convict plotting his escape with the 1st Prisoner and the 3d Witness is greatly inconsistent in the details and the circumstances was not mentioned by him in his previous examination. this testimony appears to the Court of Faujdaree Adalut quite unworthy of credit and it seems to have had no weight with the Acting Sepoy Judge

11 The 12th and 13th Witnesses prove the receipt of a letter by 1st prisoner from the village of

the

the escaped Convict, but there is no evidence before the Court as to its contents or to connect it with the fact of escape.-

12 On these grounds the Court of Sessions Cuddalore have directed the unconditional release of both Prisoners.-

13 As to the dismissal of the Prisoners from their situations which the Acting Sessions Judge has recommended in the event of their not being convicted, the Court of Sessions Cuddalore sanctions that course in the case of the 1st Prisoner who has evidently been negligent in the discharge of his duties and to whom suspicion of having corresponded with the relations of the escaped Convict unquestionably attaches.-

14 They are unable however to see any thing against the 2d Prisoner which would warrant such a course.-

15 The Convict escaped with the aid of a crow bar 2½ inches long and a file. Concerning the manner of introducing these into the Jail, nothing has been discovered; and the fact of introduction proves great negligence in conducting the search of the Prisoners and of the Jail. The performance of this duty should be assigned definitely to some person, who can then be held responsible for its performance.-

16 The existence of trees within the Jail Compound

17th May 1853.-

compound is objectionable and they should be removed, as they afford the means of concealing weapons or instruments of escape.-

7 In this case the Convicts escape was facilitated by the placing of a bamboo screen on the outer wall of the Jail. It is discreeable that watch towers should be erected so as to command a view of the outer wall, and there should be no closed room within the Jail abutting upon the wall by concealment in which a Convict may be enabled as in the present instance to carry on his operations for escape without molestation

18 The Acting Sessions Judge will be pleased to take the requisite steps for giving effect to the Courts observations as to the alterations that have appeared necessary for the security of his Jail.-

Ordered that Extract from these Proceedings be communicated to the Acting Sessions Judge of Cuddalore for his information & guidance.

Sent pid 8va 15

E. Thoff

F. C.

Wednesday
18th May 1853. } At a Court of the Foujdaree Adaulut

Present:

G. S. Hooper Esqr. ..... } Puisne Judges.
W. A. Morehead Esqr. .....
T. L. Strange Esqr. .....

Read letter under date the 22nd April 1853 from the Acting Sessions Judge of Masulipatam.

(Here enter F. C. No. 996 of 1853)

The Acting Sessions Judge

1 brings to the notice of the Court that no reply has been received to a letter dated 1st September 1851, requesting to be informed whether the District Police is authorized to dispose of Cases of abuse of authority against the inferior officers of Police.

The Court of Foujdaree Adaulut

2 have to observe that the question at issue was ruled in the negative in their proceedings under date the 17th May 1852.

Ordered

Ordered that Extract from these Proceedings be sent to the Acting Sessions Judge of Masulipatam for his information.

(Sent in No )

Read Calendar of Case No 6 of 1853 of the Sessions Court of Chingleput

(Vide infra F. Dis. No 1050 of 1853)

The Court of Foujdaree Udalut approve of the recommendation made by the Sessions Judge in this case that the imprisonment which the Prisoner noted in the margin has been adjudged to suffer on his Conviction of the Crime of house breaking with theft be reduced to (3) three years imprisonment with hard labor in irons, and they do authorize the Sessions Judge to issue his warrant accordingly

Sessions da charry

Ordered that Extract from these Proceedings be forwarded to the Sessions Judge of Chingleput for his information.

(Sent in No )

Read Criminal Reports submitted by the Sessions Judge of Madura for the year 1852.

(Vide infra F. Dis. No 613 of 1853)

The



The Court of Foujdaree Udalut

Appendix B to Statement No 1

direct that the Sessions Judge will furnish the explanation required in para 4 of this Court's letter dated 1st April 1853 in the Column of Remarks of this appendix.

Dr D to statt No 2

2 The 1 person entered in Column 2 of the Statement as having died Dr, should be excluded from the proper Column in this appendix.

3 The remark in para 1 applies also to this appendix.

Dr B to statt No 3B

4 The entries under head "Trials Reported" should be 64 and 189.

Dr C to Dr

5 The aggregate of the entries in this appendix Viz 188 does not tally with the aggregate of the entries in Columns 22. 24 and 26 of the Statement (341)

6 The remark in para 1 applies also to this appendix.

Statement No 4

7 The entry under head 40 of this Statement is erroneous, it should have been made under head 41 according to the Statement No 3B, the necessary amendment has been made in the Register's Office, and the Court

18th May 1853.

Ordered that Extract from these Proceedings be sent to the Acting Sessions Judge of Masulipatam for his information.

(Sent in No )

Read Calendar of Case No 6 of 1853 of the Sessions Court of Chingleput

(Vide entries F. Vo. No 1050 of 1853)

The Court of Foujdaree Udalut approve of the recommendation made by the Sessions Judge in this case that the imprisonment which the Prisoner noted in the margin has been adjudged to suffer on his Conviction of the Crime of house breaking with theft be reduced to (3) three years imprisonment with hard labor in irons, and they do authorize the Sessions Judge to issue his warrant accordingly

Recovery da clarry

Ordered that Extract from these Proceedings be forwarded to the Sessions Judge of Chingleput for his information.

(Sent in No )

Read Criminal Reports submitted by the Sessions Judge of Madura for the year 1852.

(Vide entries F. Vo. No 613 of 1853)

The

18th May 1853.

The Court of Foujdaree Udalut

Appendix No to Statement No 1

direct that the Sessions Judge will furnish the explanation required in para 4 of this Court's letter dated 1st April 1853 in the Column of Remarks of this appendix.

The 1 person entered in Column

Do D to Statement No 2

2

2 of the Statement as having died &c, should be included from the pers per Column in this appendix.

The remark in para 1 applies

3

also to this appendix.

The entries under head "Trials

Do B to Statement No 3B

4

Reported" should be 64 and 189.

The aggregate of the entries

Do C to Do

5

in this appendix Viz: 188 does not tally with the aggregate of the entries in Columns 22. 24 and 26 of the Statement (341)

The remark in para 1 applies

6

also to this appendix.

The entry under head 40 of

Statement No 1

7

this Statement is erroneous, it should have been made under head 41 according to the Statement No 3B, the necessary amendment has been made in the Register's Office, and the

Court

Court direct that the same may be affixed
in the Sessions Judge's Office Copy.

Appendix B to statt. No 4 — 8 The remarks in para 1 applies also to this Statement.

Statt. showing the nature and the result of Charges preferred against the Police. — 9 In this Statement a footnote, as required in para 2 of this Courts' letter dated 1st Ultimo, is needed.

Comparative Statt. of Heinous Crimes between the years 1851 and 1852. — 10 The submission of this Statement is unnecessary.

Ordered that Extract from these Proceedings be sent to the Sessions Judge of Madura by Precept returnable within 5 days from and after its receipt.

(Sent following Precept No.)

Read the Criminal Reports submitted by the Sessions Judge of Tinnevelly for the year 1852.

(Here enter F. Cl. No. 753 of 1853)

Statement No 2. — The Court of Sessions Madura request that the Sessions Judge will be pleased to require the Magistrate to explain by a note at the foot of this Statement the cause of the difference between the

Columns



Columns 19 and 29 heads Nos 6 and 60.

Column 18 head 37 shews that
2
only one case has been sent to the Magistracy,
while Column 28 shews, that 2 more received.
The one person entered in Column
Appendix D to Statement No 2 — 3
21 of the Statement as having died &c. should
be excluded from the proper Columns in
this appendix.
The two Cases including 6 persons
Dr. Cr. to Statement No 2 — 4
entered in this appendix, as pending on the
31st December, should be erased; the other
Columns shewing that all Cases and persons
concerned therein have been disposed of.
The Number of persons "Fined"
Dr. A to Statement No 3. B. — 5
and "imprisoned and fined," Viz. 12, do not
correspond with the No. under head "Fined"
in "Heinous Columns Fines levied and imprisoned
in default of payment" (2).
Columns 5. 6. 10 and 13, head
Comparative Statement — 6
"Petty offences" require amendment.
Columns 14. 15. 28 and 29, head
7
"Crimes and Misdemeanors" require also
amendment.
Columns 17 & 18, require amendment
with

Statt. Showing the nature and the result of charges preferred against the Police

with reference to head, No 2 of the Statement No 3B.

9 In each of the Columns 22 and 23, two persons are entered, while the head No 2 of the Statement No 4 is blank.

10 In this Statement, the footing required in para 2 of this Court's letter dated 1st Ultimo, is needed.

Ordered that Extract from these Proceedings be sent to the Sessions Judge of Tinnevelly by Precept returnable within 5 days from and after its receipt.

(Sent following Precept No )

S. D.
E. P.

J. Uo.

Thursday 19th May 1853. } At a Court of the Foujdaree Udalut

Present

Sgt. G. S. Hooper Esqr
W. W. A. Morehead Esqr
Ut. J. Lo. Strange Esqr

} Puisne Judges.

Read report of Cases pending on the 30th April 1853 before the Sessions Court of Chittoor, for a period in excess of 35 days calculated from the date of Commitment.

(Vide enter J. Uo. No 1075 of 1853)

The delays which have occurred in the trial of the Cases entered in the foregoing report, the last of which was committed to the Sessions Court so far back as the 21st February last, are most objectionable and reflect most seriously on the administration of justice in the Sessions Court of Chittoor; and the Court of Foujdaree Udalut deem it necessary to impress upon Mr. Matthieson the necessity of his using every exertion to prevent in future the accumulation of arrears in the Criminal business of the Court which for several Months past has been

Exhibited

exhibited in each periodical return.

2 In Case No. 15 thirteen days are stated to have been occupied in the examination of the witnesses for the prosecution, a prolongation of the trial which could scarcely have been required if it had been conducted with diligence and attention by the presiding Judge.

Ordered that Extract from these Proceedings be sent to the Sessions Judge of Chittoor for his information.

(Sent in No. )

E.P.
E.T.

F. No.

Friday. At a Court of the Fouzdaree Udalut.
20th May 1853.

Present.

Sd/R. G. L. Hosper Esquire
Pro tem. Jt. W. H. Morehead Esquire } Puisne Judges.
Ut. J. L. Strange Esquire

Read letter under date the 27th April 1853 from the Sessions Judge of Trichinopoly reporting the escape of a sick prisoner from the Jail Hospital on the 5th April.

(Here enter F. No. 1039.)

It would seem from the depositions submitted with the foregoing letter that 1. there has been great remissness in the Jail at Trichinopoly on the occasion of the guards being relieved.

The number of prisoners entrusted 2. to the custody of the relieving guard should invariably be ascertained by the peon taking charge.

Ordered that Extract from these Proceedings be forwarded to the Acting Sessions Judge of Trichinopoly for his information.

(Sent in No. )

Read Miscellaneous Petition presented on the 11th April 1853 by Venkatachellum late blacksmith attached to the Zillah Jail of Trichinopoly.

(Here enter F. No. 27 of 1853.)

Before

Mr H. A. Morehead.

Before entering into the matter of this petition the Court of Soujdaree Udalut resolved to send the same to the Acting Sessions Judge of Trichinopoly for explanation and report.

Ordered that Extract from these Proceedings be forwarded to the Acting Sessions Judge of Trichinopoly by precept returnable within six days from and after its receipt.

(Sent following precept No. /

Read the Criminal Reports submitted by the Sessions Judge of Guntoor for the year 1852.

(Here enter J.C. No. 951 of 1853.)

Appendix E to Statement No. 1

1

The one person entered in Column 20 of the statement as pending on the 31st December should be excluded from the proper Column under head "Heads of Police" Vide in this appendix.

Statement No. 2.

2.

The cause of the omission in Columns 2 and 3 head 35 of the one Case including one person appearing in Columns 10 & 11 should be explained by a note at the foot of this statement.

3.

A similar remark as contained in para 2 of these Proceedings applies to Column 2 head 44 between Columns 2 and 10 head 46 should also be explained at the foot of the statement.

Appendix A to do.

4.

The cause of the difference of 10 Cases

5.

The entries in this appendix should tally with those in Columns 32 and 37 of the statement.

Appendix D to No. 2

6.

The entries under head "In cases for-



warded to the Courts or Magistracy" opposite to Magistrate" Vide of this Appendix Viz: 7 should correspond with those in Columns 32 and 35 of the Statement (16)

Appendix D to Statement No. 2.

7.

The entries under head "In cases treated under Act VIII of 1843" opposite to "Magistrate" Vide Viz: 22 should correspond with those in Column 37 of the Statement. (13.)

Appendix C to do

8.

The entry under head "Cases disposed of under Act VIII of 1843" Viz 22 should tally with those in Column 37 of the statement (13)

Comparative Statement.

9.

Columns 24 and 26 head "Crimes and Misdemeanors" require amendment.

Ordered that Extract from these Proceedings be forwarded to the Sessions Judge of Guntoor by precept returnable within three days from and after its receipt.

(Sent following precept No. /

Read the Criminal Reports submitted by the Sessions Judge of Masulipatam for the year 1852.

(Here enter J.C. No. 1090 of 1853.)

The Court of Soujdaree Udalut

Appendix A to Statement No. 3 B

1.

direct that the one person Imprisoned in default of payment of fine should also be included under head "Imprisoned" minor Columns under 3-6-12 Vide Months.

The 5 persons entered in the state-

Appendix B to Statement No. 4

2.

ment as having died Vide should be excluded from the proper Column in this appendix.

The submission of the statements

Abstract Statements No. 1 to 6. D° ——— 7 to 10.

3.

noted

noted in the Margin is hereafter unnecessary.

Ordered that Extract from these Proceedings be forwarded to the Sessions Judge of Mawlipatam by precept returnable within three days from and after its receipt.

£1 8d. / Sent following precept No 10.

F C

Saturday 21st May 1853

At a Court of the Foujdarry Adawlut.

Present

The Hon'ble G. S. Hooper Esquire — Puisne Judges.
W. A. Morehead Esquire —
J. L. Strange Esquire —

Read letter dated the 16th May 1853 from the Sessions Judge of Chittoor submitting an English translation of the record of Case No 46 of 1852 for the final Judgment of the Court of Foujdarry Adawlut.

(Herewith F C No 1119 of 1853)

On a deliberate consideration of all the circumstances of the Case in evidence before them being of opinion that the proof against the Prisoners

1st & 2nd Paragraphs Dofs

and

2nd & Chittoor Dofs

is sufficient to convict them of the crime charged, do convict them thereof and sentence the Prisoners

1st & 2nd Paragraphs Dofs

to

21st May 1953.-

to be imprisoned and kept to hard labor in prison
on the public Roads or other public works for the
and during the period of (3) three years and
the prisoner.

2d Chittoorama
to be imprisoned and kept to hard labor in prison
on the public Roads or other public works for
and during ~~the period~~ of (2) two years.

(Sentence Accd)

4 Thos W

F.C.

Monday 23d May 1953

A Special Court of the Foydarra Adalat.

Present.

G.S. Hooper Esquire — Puisne Judges.
W.A. Morehead Esquire —
J.C. Strange Esquire —

Record again Calendar of Case No 10 of 1953 and the file of the Superior Court of Jimmiedilly.

(Per Letter F.C. No 630 of 1953)

Record also Return under date the 22d May 1953 from the Superior Judge of Jimmiedilly to the precept of the Foydarra Adalat dated the 13th April 1953 directing the submission of the record of the foregoing case.

(Per letter F.C. No 659 of 1953)

The prisoner was charged with the wilful murder of one Rugoo that is to say that he the said Rugoo on the 31st January 1953 at Jimmiedilly did wilfully and of malice aforethought kill and murder

and afterwards buried
1 in or Durgah and that blood and humour
arose flowing from the nostrils, ears and mouth
and in fact the said Ayoonmoy Putter Nuor
Pow the died a natural death from Cholera in
in the Durgah in question and his body was
removed from thence to the grave in which it
was buried and water Hot blood or humour
flowed from the nostrils at the time, it being
material to the issue of the charge for murder
to shew that the body of the deceased had been
taken out of the said tank and that he had
died an unnatural death.-

2 The prisoner having been previously
convicted before the Head Assistant Magistrate
that the evidence given by him was false he
was committed for trial and repeated his
confession before the Subordinate Criminal
Court and also when called upon for his
defence before the Sessions Court when he
stated that the deposition as aforesaid had
been given by him under the influence of liquor

3 The Sessions Judge in connexion
with his Mohaundurs Law Officer convicted the
prisoner of the crime laid to his charge and
sentenced him to seven years imprisonment
with hard labour and irons recommending that
the



the prescribed period of imprisonment should
be reduced to four years by this higher Court.-

4 On an attentive perusal of the
Record the Court of Sudder Adalut consider
the evidence unexceptionable for the conviction of
the prisoner of the crime of wilful perjury.-

5 The prisoner is a Police which
places him on the Sessions Judge observes nearly
in the condition of a slave to his Master who
was the Prosecutor in the charge of murder in
support of which his testimony was given.-

6 The Court of Sudder Adalut
find it difficult to understand why in the
course of a few days the prisoner should have
turned round and opposed himself to his
master's interests so far as to declare that he
had been forced by the latter by ill treatment
to give false evidence in the support of the
murder charge already adverted to.-

7 It appears to the Court that the
prisoner's conduct can only be accounted for
that he has yielded to an influence adverse to his master and in his confession
in the Sessions Court of the falsity of his
original statement has been the work of those
whom his Master's hand accused.-

Natives, such as the prisoner in

the

this the Court feels little hesitation in pronouncing that the intelligence are easily made use of to serve the ends of others and those against whom the charges of murder was preferred & whose absence is known to have been procured by influence may easily have found the means of inducing the prisoner to retract his former evidence.

The Court of Inquiry & Adjt have seen strong reasons for mistrusting the means taken for bringing home charges of perjury against the other witnesses who deposed in support of the prosecution & both of which this charge has risen and they equally mistrust the genuineness of the statements made by the prisoner in this case in his confessions and accordingly resolve to reverse the Sentence passed upon him and direct his unconditional release

Ordered that Extract from these Proceedings be sent to the Sessions Judge of Jinnevelly by precept returnable within 11 days from and after its receipt.

Sent following Precepts &c.

Recd letter under date the 22d April 1853 from the Sessions Judge of Salem.

Prisoner Ths &c. No 12 of 1853.

With



X No 12 of 1853 on the file of the Sessions Court.

With the foregoing letter the Sessions Judge has forwarded copies of a letter to his address from the Subordinate Judge and of the Calendar of one X case remanded to the Subordinate Court for trial but which the Subordinate Judge has declined to try on the ground that it was correctly committed to the Sessions Court the offence charged placing the case beyond the jurisdiction of the Subordinate Criminal Court.

1

In the case in question the

2

prisoner who was a servant in the family having taken nothing in the house of Labour with the 2d prosecutor and five or six other lads assaulted the 2d prosecutor and robbed him of two gold rings.

He was further charged with

3

having been found in possession of the said property knowing it to have been obtained by robbery.

The Sessions Judge considering

4

that from the circumstances in evidence it was shewn that the rings had been taken by the prisoner in joke and that he had no intention

intention of appropriating thereto, remanded the case to the Subordinate Court for disposal.—

6 The Court of Zuydaree Adalut observe that the Crime charged as stated in the charge was clearly beyond the Jurisdiction of the Subordinate Criminal Court and that therefore the Sessions Judge should have proceeded to try it and obtained of it on its merits.— the act charged against the Prisoner was either a Robbery or a Joke in the one case punishable only by the Sessions Court and therefore not rendering its perpetrator liable to any penal sentence and so the committing Officer decided that the evidence justified the commitment of the accused for the Criminal offence it was the duty of the Sessions Judge to proceed to trial and upon the evidence given at the trial to form his judgment as to the criminality or innocence of the act charged.—

5 The Court of Zuydaree Adalut accordingly resolve to direct that the case be tried and disposed of by the Sessions Judge.

7 The Subordinate Judge was in error in declining to carry out the order given to him by the Sessions Judge pending the decision of the reference made by him to the



the Zuydaree Adalut the Subordinate Judge should have confined himself to a statement of his objections to that order and upon the event of their being overruled by the Sessions Judge the order should have been carried out and the matter then referred for the opinion of the Zuydaree Adalut.—

Ordered that Extract from these Proceedings be forwarded to the Sessions Judge of Satara for his information and for guidance and communication to the Subordinate Judge.—

(Sent in No 4)

Read again Calendar of Case No 12 of 1853 on the file of this Sessions Court of Jumnerlly.—

(Vernacular No 639 of 1853)

Read also Return under date the 20th March 1853 from the Sessions Judge of Jumnerlly to the Precept of the 2d of the Zuydaree Adalut dated the 23d March 1853 calling for explanation with reference to the charges preferred against the Prisoner in the foregoing Case

(Vernacular No 640 of 1853)

Read also Miscellaneous Petition forwarded by the Sessions Judge of Jumnerlly from Shirk Abdoob Rowdee Resident of that Zillah

(Vernacular No 653 of 1853)

Read

23rd May 1953.-

Praecipe for Return under date the 2nd May 1953 from the Sessions Judge of Jaffna to the precept of the Tangalle Police dated the 13th April 1953 directing the submission of an English translation of the foregoing Case.-

Recd by the Registrar

/ Registrar 7/26 No 1059 / 1953 /

1

The prisoner was charged with perjury in having as prosecutor in charge of murder preferred by him against one A Rowtan and his brother deposed upon solemn affirmation before the Police Magistrate of Jaffna, that his Uncle, whose death he charged the aforementioned A Rowtan and his brother with causing, had lodged his money to the account of 400 Rupees with the accused whereas the said A Rowtan was a pauper, it being material to the issue of the charge of murder to show that the said A Rowtan had been possessed of property and had trafficked with it with the accused and that to a motive existed for the murder with which they were charged.-

2

The Prisoner was committed by the Sessions Judge in concurrence with the Attorney General Law Officer and was sentenced to seven years imprisonment with hard labour and fined with

23rd May 1953.-

with a recommendation that the period of imprisonment should be reduced to four years by the higher Court.-

3

The evidence upon which the conviction of the prisoner has been based appears to the Court of Tangalle to be open to the objection that was advanced against that offence in Case No 1059 of 1953 viz that it has been presented by parties bent upon defending themselves from a serious charge & bringing in fact the evidence of the identical parties who appeared in the said number two of the depositions being the persons against whom the charge of murder was preferred, and given subsequent swearing right being witnesses in the said Case No 1059.-

The Court of Tangalle desires to see

4

strong grounds for distrusting the above evidence and they accordingly receive to reverse the sentence passed upon the prisoner in this Case and to direct his unconditional release.-

Ordered that Extract from these proceedings be sent to the Sessions Judge of Jaffna for his information by precept returnable within 14 days from and after its receipt.-

Sent following precept &c.

F.M.C.

Wednesday 25th. May 1853.

At a Court of the Fouzdaree Adalut

Present

G. S. Hooper Esquire
W. A. Morehead Esquire } Prisno. Judges.
T. L. Strange Esquire

Read Calendar of Case No. 114 of 1853, of the Session Court of Salem.

/Vide Enter F.M.C. No. 1066 of 1853/

The Court of Fouzdaree Adawlut, approve of the recommendation made by the Sessions Judge in this case, that the Prisoner noted in the margin, has been adjudged to suffer on his conviction of the crime of Gang Robbery by open violence, be reduced to seven years imprisonment with hard labor in irons, and they do authorize the Sessions Judge to issue his warrant accordingly.

1st. Yaicambatsuma

Ordered, that Extract from these Proceedings be forwarded to the Sessions Judge of Salem, for his information

(Sent in No.)

Read

25th May 1853.

Read letter under date the 16th Instant, from the Acting Sessions Judge of Masulipatam, submitting for the final judgment of the Foujdaree Udalut, the record of Case No. 24 of 1853, on the Calendar of the Sessions Court.

Mr. W. A. Morehead

(Here Enter F. Uc. No. 1139 of 1853)

The Court of Foujdaree Udalut on a deliberate consideration of all the circumstances of the case in evidence before them, being of opinion that the proof against the prisoner,

1st. Goolandelly Mullapah

is sufficient to convict him of the crime charged, do convict him thereof, and under the provisions of Clause 3d. Section VII Regulation XV of 1803, and Section XXXIV Act VII of 1843, sentence him to be imprisoned and kept to hard labor in irons, on the public roads or other public works, for and during the period of (14) fourteen years.

4 Th W

(Sentence &c.)

F. U.

Friday 27th May 1853.

At a Court of the Foujdaree Udalut.

Present.

G/R — G. S. Hooper Esqre.
W. A. Morehead Esqre.
J. M. — T. Le. Strange Esqre.
— } Puisne Judges.

Read letter, dated 30th April 1853 from the Session Judge of Chittoor, submitting for the final judgment of the Foujdaree Udalut the Record of Case No. 26 of 1852 of the Calendar of the Session Court.

(Here enter F. Uc. No. 1020 of 1853.)

Mr. G. S. Hooper.

The Court of Foujdaree Udalut on a deliberate consideration of all the circumstances of the case in evidence before them being of opinion that the proof against the prisoner,

1st. Cotah Ramasamy Chetty

is sufficient to convict him of the crime of Forgery and uttering as Forged Document, and that against the prisoners,

3d. Rupakoola Hasiah

and

4th. Streerama Pedda Moonesamy

of aiding and abetting therein, do convict them respectively, and under the provisions of Clause third, Section III. Regulation VI.

of

of 1811 and Section XXXIV. Act VII of 1843 sen-
tence the prisoner

1st Cootah Ramasamy Chetty.

to be imprisoned without labor or irons for
and during the period of (1) One year, and
the prisoners,

3d Rupukoola Kaviah
and
4th Sheerama Reddy Iconesamy

to be imprisoned without labor or irons for
and during the period of (6) six months.

(Sent in A.

Read letter dated the 9th Instant
from the Agents to the Governor of Fort St
George at Vizagapatam reporting that the
Sentence of death has not been executed
on Bommedy Vencatasa, Prisoner in Case No. 5 of 1853.
in consequence of
the orders of the Sonjdaree Adalut on
his petition forwarded on the 23d Ultimo
not having been received.—

(Here enter F. No. No. 1097 of 1853)

Read Return dated the 9th Instan.
from the Subordinate Judge in charge of
the Sessions Court at Calicut to the precept of
the Sonjdaree Adalut under date the 21st
Ultimo requiring the Sessions Judge to
explain what authority the Tahsildar
and Magistrate had for interfering in the
case



case of Vrasoodevan Namboodripaad
and another.—

(Here enter F. No. No. 1101 of 1853)

Read Calendar of Case No. 13 of
1853 submitted by the Acting Session Judge
of Cuddalore under date the 12th Instant.

(Here enter F. No. No. 1102 of 1853)

Read Calendar of Case No. 14 of
1853 submitted by the Acting Session Judge of Cudda-
lore under date the 14th Instant.—

(Here enter F. No. No. 1103 of 1853).

E. Webb

Saturday
28th May 1853 } At a Court of the Foujdaree Adalut

Present

G. S. Hooper Esquire
W. A. Morehead Esquire } Puisne Judges
T. L. Strange Esquire

Read Miscellaneous

Petition submitted by the Subordinate

Judge of Salem, from Ramanoja Chary

of the Zillah of Salem, and prisoner in

Case N°11 on the file of the Sessions

Court.—

(Here enter F. M. P. N°30 of 1853)

Petitioner was convicted

Mr. G. S. Hooper

in the above case of severely wounding

the Prosecutrix, and was sentenced to

imprisonment with hard labor in irons

for 5 years. He prays that this Court

will order his release from confinement,

as the said sentence was an unjust one.

The

F. U.

Saturday
28th May 1853 } At a Court of the Foujdaree Udalut.

Present.

G. S. Hooper Esquire
W. A. Morehead Esquire } Puisne Judges
J. Le Strange Esquire

Read Miscellaneous

Petition submitted by the Subordinate Judge of Salem, from Ramanooja Charry of the village of Salem, and prisoner in Case No 11 on the file of the Sessions Court.

(Here enter F. M. P. No 30 of 1853)

Petitioner was convicted in the above case of severely wounding the Prosecutrix, and was sentenced to imprisonment with hard labor in irons for 5 years. He prays that this Court will order his release from confinement, as the said sentence was an injurious...

Mr. G. S. Hooper

The

2 The Court of Foujdaree Udalut on a perusal of the Calendar, see no reason to doubt the correctness of Petitioner's Conviction, or the justice of his sentence.

3 They therefore resolve to reject this petition.

Ordered that Extract from these Proceedings be sent to the Subordinate Judge of Salem for his information and for communication to the Petitioner.

(Sent in No )

Read Miscellaneous petition forwarded by the Sessions Judge of Mangalore from Ayathkhan and 2 others, of the Zillah of Mangalore.

Here enter F. M. D. No 72 of 1853

Mr. W. A. Moreland

Petitioners state that they were fined by the Subordinate Judge of the said Zillah in Case No 14 of 1853 on the file of the Subordinate Court, and that the sentence on appeal confirmed by the Sessions Judge.

Petitioners pray that the sentence so confirmed may be set aside

2 The Court of Foujdaree Udalut

3 can discover nothing in this petition to induce them to question the correctness of the sentence passed on the Petitioners. The Lower Courts went fully into the record of the trial, and convicted the prisoners. This petition is therefore

4 rejected.

Ordered that Extract from these Proceedings be sent to the Sessions Judge of Mangalore for his information and for Communication to the Petitioners.

(Sent in No )

Read Miscellaneous petition presented on the 31st March 1853 by Hagga Singaracharry of the Zillah of Chingleput.

(Here enter F. M. D. No 48 of 1853)

Mr. G. S. Hooper

Petitioner complains of having been assaulted by the Dharmakarta of

of the pagoda of Davarajaha Swamy at Conjee
and that the authorities have not in accor-
dance with the precept of this Court under
date the 30th June 1852, enquired into the
matter, He prays that the Dhummakurta
be punished.

2 The Court of Sunjdaree observe that the matter referred to in this and former petitions presented by the same party, have been fully and sufficiently investigated by the Subordinate authorities, and they therefore see no reason whatever to doubt the propriety and justice of the orders passed by them.

3 They therefore reject this petition.

Ordered that Extract from these Proceedings be furnished to the Petitioner on his application.

Read Miscellaneous petition presented on the 21st April 1853 by

Coss[?] prayee



Coss[?] prayee of the Zillah of Combaconum
(Here enter F. M. P. No 60 of 1853)

Read also Miscellaneous Petition
presented on the 21st April 1853 by Maurice
of the Zillah of Combaconum.
(Here enter F. M. P. No 59 of 1852)

The Court of Sunjdaree

Mr W. A. Morehead

Udalut inform Petitioners, that the
subject of their petitions have already been
considered and disposed of - they therefore
reject these petitions.

Ordered that Extract from
these proceedings be furnished to the
petitioners on their application -

Read Calendar, of Cases No 6
Exd 1853 of 1853 submitted by the Sessions Judge of
Honore under date the 13th May 1853.
(Here enter F. M. No 1138 of 1853)

Read Extract from the Proceedings
of the Sessions Court of Madura dated 19th
May 1853 held on Petty Calendars of Magistrate
for the 1st Quarter of 1853.
(Here enter F. M. No 1145 of 1853.)

Read

28th May 1853.

Read Extract from the Proceedings of the Sessions Court of Bellary under date the 18th May 1853 held in reviewing the Bellary Calendars viz. for the 1st Quarter of 1853.

(Here enter F. & Co. No 116 of 1853)

F.W.

Monday,
30th May 1853. At a Court of the Foujdaree Adalut.

Present.

Hon'ble G.S. Hooper Esquire
" W.A. Morehead Esquire } Puisne Judges.
" T.L. Strange Esquire

Read letter dated 20th May 1853 from the Sessions Judge of Mangalore submitting for the final judgment of the Foujdaree Adalut the record of case No 7 of 1853 of the Calendar of the Sessions Court.

(Here Enter F & Co No 116 of 1853)

The Court of Foujdaree Adalut.

Present Mr. J. Morehead and T. L. Strange - on a deliberate consideration of all the circumstances of the case in evidence before them, being of opinion that the proof against the prisoner Paulo is sufficient to convict him of the crime of Murder, do convict him thereof; and under the provisions of Section X, Regulation VIII of 1832, sentence him to suffer death by being hanged at the usual time and place of execution.

Let following letter &c &c

Asst Sessions Judge

F. C.

Tuesday. 31st May 1853 } At a Court of the Foujdaree Udalut

Present

W.R. — G. A. Hooper Esquire — Sessions Judges.
F. C. — H. A. Morehead Esquire —
W. — T. L. Strange Esquire —

Read Calendar in Case No. 8 of 1853 on the file of the Session Court of Mangalore.

(Here enter F. C. No. IIII of 1853)

1 In this Case the prisoner was charged with "Theft" in having stolen a Silver Chain valued at Rupees 2-8-0 from the neck of the Prosecutors' Child, the prisoner was further charged with having received the said Chain knowing it to be Stolen and with having been convicted of theft on two former occasions.—

2. The Sessions Judge concurred in the Futwah of the Mohomedan Law officer declaring him liable to Ashoobut on Zenni ghalib and Sentenced him to 7 years imprisonment with hard labor in irons under Section XXI Regulation VII of 1802.

The

with reference to head, No 2 of the Statement No 3B.

9 In each of the Columns 22 and 23, two persons are entered, while the head No 2 of the Statement No 4 is blank.

10 In this Statement, the footing required in para 2 of this Court's letter dated 1st Ultimo, is needed.

Ordered that Extract from these Proceedings be sent to the Sessions Judge of Tinnevelly by Precept returnable within 5 days from and after its receipt.

(Sent following Precept No )

S. D.
E. P.

J. Uo.

Thursday 19th May 1853. } At a Court of the Foujdaree Udalut

Present

Sgt. G. S. Hooper Esqr
W. W. A. Morehead Esqr
Ut. J. Lo. Strange Esqr

} Puisne Judges.

Read report of Cases pending on the 30th April 1853 before the Sessions Court of Chittoor, for a period in excess of 35 days calculated from the date of Commitment.

(Vide enter J. Uo. No 1075 of 1853)

The delays which have occurred in the trial of the Cases entered in the foregoing report, the last of which was committed to the Sessions Court so far back as the 21st February last, are most objectionable and reflect most seriously on the administration of justice in the Sessions Court of Chittoor; and the Court of Foujdaree Udalut deem it necessary to impress upon Mr. Matthieson the necessity of his using every exertion to prevent in future the accumulation of arrears in the Criminal business of the Court which for several Months past has been

Exhibited

therein, 2 for the number three entered and 6 for the No. entered 4 times.—

Ordered that Extract from the proceedings be sent to the Session Judge of Bellary by first precept returnable in 5 days from and after its receipt.—

4th Ditto. / Sent following precept No. /



F. Ve.

Wednesday the 1st June 1853 } At a Court of the Foujdaree Udalut

Present

Mr. G. L. Harper
and
Mr. T. L. Strange } Puisne Judges

Read letter dated 25th Ultimo from the Session Judge of Chittoor submitting for the final Judgment of the Foujdaree Udalut the Record of Case No. 42 on the Calendar of the Session Court of Chittoor for 1852.

(Here enter F. Ve. No. 1183 of 1853)

The Court of Foujdaree Udalut on a deliberate consideration of all the circumstances of the Case in evidence before them, being of opinion that the proof against the prisoners,

1st Erroola Pera Mootten.

2d Chinna Mootten.

and

3d Erroola Veruttakien

is sufficient to convict them the 1st Prisoner of the Crime of Murder, the 2d of being accessary and the 3d of aiding and abetting in the same, do convict them thereof and sentence the said prisoners

prisoners,

1st Errola Perea Mootlen

to suffer death by being hanged at the usual time and place of execution and the prisoners,

2d Chinna Mootlu

and

3d Errola Venuttakien

to be transported to such place or places beyond sea as the Governor in Council shall appoint there to be imprisoned and kept to hard labor on the public roads or other public works for and during the period of their natural lives.

(Sent in No )

Read Calendar of Case 99 of 1852 on the file of the Sessions Court of Masulipatam.

(Here enter F.R. No. 1093 of 1853)

1 The Prisoner was charged "with robbery by open violence with torture" in having in company with the prisoners in Case No 13 of 1852 on the Calendar of the Sessions Court gone to the house of one Cundoorcoory Moortie: nauzer at 12 o'clock on the night of the 26th May 1851



1851 maltreated and tortured him and plundered from the house property to the value of 309-8-.

2. The Sessions Judge concurred in the futwah of the Mahomedan Law Officer convicting the Prisoner and has sentenced him to 14 years imprisonment with hard labor in irons, but suggests that the time of imprisonment be reduced to 10 years, as no circumstances of aggravation have been proved against the Prisoner.

The Court of Foujdaree Adawlut

3 but observe that the robbery was one of a very serious order and they therefore see no grounds for a mitigation of the sentence to which the prisoner has been adjudged.

Ordered that Extract from these Proceedings be sent to the Sessions Judge of Masulipatam for his information and guidance.

(Sent in No )

Read again Calendar of Case No 65 of 1852 on the file of the Sessions Court of Cuddapah.

(Here enter F.R. No 2515 of 1852)

Read also return under date the

the 30th March 1853 from the Sessions Judge of Cuddapah to the precept of the Foujdaree Udalut dated the 27th October 1852 directing the submission of an English Translation of the record of the foregoing Case.

(Here enter F.U. No. 763 of 1853)

On perusal of the record of this Case the Court of Foujdaree Udalut is of opinion that although strong grounds exist for suspicion against the prisoner the evidence was not sufficient for his full conviction of the Crime charged, and that therefore the Sessions Judge was justified in directing his release under a requisition of security.-

Ordered, that Extract from these Proceedings be sent to the Sessions Judge of Cuddapah for his information.

(Sent in No. ) &c

dd 18



F.U.

Thursday 2nd June 1853. } At a Court of the Foujdaree Udalut

Present

Sir G.S. Hooper Esquire
W.A. Morehead Esquire } Puisne Judges
T.L. Strange Esquire

vs.

Read the Criminal Reports submitted by the Acting Sessions Judge of Nellore for the year 1852.

(Here enter F.U. No. 602 of 1853)

The Court of Foujdaree Udalut direct that the 91 persons entered in Column 26 of the Statement may be included in this Appendix.-

Appendix C to Statement No. 3B.

The explanation required in para 4 of this Court's letter dated 1st April 1853 should be given in the Columns of Remarks of these appendices.

Appendix C to Statement No. 3B
Appendix B to Statement No. 4.

In this Statement the foot Note required in para 2 of this Court's letter dated 1st April 1853. should be added.-

Statement shewing the nature and the result of charges preferred against the Police.-

Ordered, that Extract from these Proceedings be sent to the Acting Sessions Judge of Nellore by precept returnable within 5 days from and after its receipt.

(Sent following Precept No.

Read the Criminal reports submitted by the Sessions Judges of Rajahmundry for the year 1852.

(Here Enter F. C. Nos 697 and 860 of 1853)

Appendix Table Statement No. 1.

1 The Court of Foujdaree Udalut direct that the Sessions Judge will furnish the explanation required in para 4 of this Court's letter dated 1st April 1853 in the Column of remarks of this appendix.

Statement No. 2.

2 All the cases and persons entered in Columns 18 and 19 of this Statement should again appear in such of the following Columns 26-27-28-29-30- and 31 as may be applicable.

3 The number of persons concerned in the Cases entered in Column 2 head 19 is not exhibited the cause should be explained by a note at the foot of the Statement.-

4 The number of Cases in which the persons entered in Column 9 head 37 were concerned should be stated in the proper Column

5 The entry of one person in Column 5 head 47 appears to be an error no Case being in Column 4.-

6 In Columns 2 and 3 head 65, 2 Cases including 3 persons are entered and in Columns 4 and 5 one Case including one person is



entered as having escaped detection leaving a balance of 1 Case and 2 persons which is inconsistent with the entries in Columns 10. 11. 28 and 29 from which it would appear that 3 Cases including 3 persons have been detected and brought before the District Police and Magistracy, the Cause of the difference should be explained.-

7 Under head 69 one Case including one person is entered in Column 2 and 3 whereas in Column 29 two persons are included in the said Case.-

8 A note should be appended to the total of Columns 26-27-28 and 29 of this statement shewing how many of the Cases and persons entered in Columns 18 and 19 have been included in each of the former Columns.

9 Two separate Committals appear to have been excluded from Column 2 of this Statement, whereas the entries in the appendix Nos Columns 16 and 34 opposite to head "Deduct separate Committals" give 18, the cause of the difference should be explained by a note at the foot of the appendix.-

10 The Sessions Judges will also explain why the persons charged with

Bribery

Bribery have been separately entered in this Statement instead of including them under the head "abuse of authority by Police officers."

11 The Sessions Judge will require the Magistrate to amend his Statement No 2 with reference to his supplimental report which accompanied the Sessions Judge's letter dated 11th March 1853.—

12 The appendices to Statement No 2 will be affected by the remark in para 2

Appendix D to Statement No 2. 13 The remark in para 1 applies also to this appendix.—

Appendix B to Statement No 3B. 14 The entry of one person in Column 27 of the Statement as having died 8vo should be excluded from the head "trials reported" in this appendix.—

Appendix C to Statement No 3B. 15 The entry of one person in Column 27 of the Statement as having died 8vo should be excluded from the proper Column in this appendix.—

16 The remark in para 1 applies also to this appendix.—

Statement shewing the nature and the result of Charges preferred against the Police.— 17 In this Statement the result of the six commitments which it appears from Column 13 were made to the Subordinate Criminal Court should be stated.—



18 The foot Note directed in para 2 of this Court's letter dated 1st April 1853 is also required.

Appendix B to Statement No 4 19 The remark in para 1 applies also to this appendix.—

20 The Sessions Judge will report the manner in which the Sudder Ameens have exercised the Criminal Juridiction vested in them as required under Circular Proceedings of this Court dated 18th February 1853.—

Abstract statement of Crimes and Misdemeanments Nos 1 to 5 &c &c &c Nos 6 & 7 &c Nos 8 & 9. 21. The submission of the Statements noted in the margin is hereafter unnecessary.—

Ordered, that Extract from these Proceedings be forwarded to the Sessions Judge of Rajahmundry by precept returnable within 5 day from and after its receipt.—

(Sent following Precept No

Read the Criminal Reports submitted by the Agent at Vizagapatam for the year 1852.

(Here enter H. D. No 999 of 1853)

Appendix C to Statement No 2. 1. The Agent will be pleased to explain why the Columns under head "Petty

"Petty Calendars" and "Monthly Statements" are not filled up.

Appendix B to Statement No 3B. 2 The number of Cases and persons disposed of by the Agent in his capacity of Subordinate Judge should be excluded from the head "Trials Reported" in this Appendix.

Appendix C to Statement No 3B 3 The 2 persons entered in Column 29 of this Statement as being under trial should be excluded from this Appendix.

Appendix B to Statement No 4 4 The 24 persons entered in Column 20 of this Statement as being under trial should be excluded from this Appendix.

Statement showing the nature & the result of charges preferred against the Police. 5 Of the 7 persons entered in Column No. 5 should be transferred to Column 10 so as to correspond with the Statements Nos 1 and 3 B.

6 In this Statement the foot note required in para 2 of this Court's letter dated 1st April 1853 should be added.

Comparative Statement of Petty Offences & of Crimes and Misdemeanors 7 Both of these Statement should be blended together after the form exhibited in page 45 of the printed Criminal Reports submitted for 1851, to which should also be appended a review showing the state of Crime and Causes which have influenced it.

Statement showing the Cases involving grave injury, for 1852. 8. The 3 Cases entered in Column



10 should be excluded, they appear to be simple Cattle stealing unattended with aggravating circumstances.

9 The entries in Columns from 16 to 24 will be affected by the remark in para 8.

Statement showing the Cases involving grave injury for 1852. 10 The remarks in paras 8 and 9 apply also to this Statement.

Ordered, that Extract from these Proceedings be forwarded to the Agent at Vizagapatam by precept returnable within III Days from and after its receipt.

Precept No. Issuing

Read the Criminal Reports submitted by the Agent at Ganjam for the year 1852.

(Here enter R. No. 854 of 1853)

The Court of Foujdaree Adalut direct that the Agent will furnish the explanation required in para 4 of this Court's letter dated 1st April 1853 in Column of Remarks of this Appendix.

Appendix B to Statement No 4

In this Statement the foot note required in para 2 of the said letter should be added.

Statement showing the nature and the result of charges preferred against the Police.

Ordered, that Extract from these

these Proceedings be sent to the Agent at Ganjam by precept returnable within III days from and after its receipt.

(Sent following Precept No.

Read Criminal Report Bdet the 15th Ultimo submitted by the Agent to the Governor at Vizagapatam for the Month of April 1853.

(Here enter F. No. No 1134 of 1853)

Read Calendar of Case No VII of 1853 submitted by the Acting Sessions Judge of Trichinopoly dated the 18th Ultimo.

(Here enter F. No. No 1160 of 1853)

Read Calendar of Case No XI of 1853 submitted by the Acting Sessions Judge of Trichinopoly dated the 18th Ultimo.

(Here enter F. No. No 1161 of 1853)

Read Calendar of Case No XI of 1853 submitted by the Acting Sessions Judge of Trichinopoly dated the 21st Ultimo.

(Here enter F. No. No 1163 of 1853)

Read Calendar of Case No 67 of 1853 submitted by the Sessions Judge of Guntoor dated the 20th Ultimo.

(Here enter F. No. No 1164 of 1853)

Read Calendar of Case No XXII of 1853 submitted by the Sessions Judge of



Madura dated 21st Ultimo.

(Here Enter F. No. No 1168 of 1853)

Read Calendar of Case No 22 of 1853 submitted by the Sessions Judge of Madura dated the 21st Ultimo.

(Here enter F. No. No 1169 of 1853)

Read return dated the 21st Ultimo from the Sessions Judge of Coimbatore to the precept of the Fouzdaree Adawlut under date the 11th Instant directing the remission of the fine imposed upon the 2d Prisoner in Case No 10 of 1853 on the Calendar of the Sessions Court on the submission of an English translation of the record thereof should the Sessions Judge dissent from the above opinion.

(Here enter F. No. No 1171 of 1853)

Read Report dated the 21st Ultimo submitted by the Sessions Judge of Coimbatore of Accounts of the Jails under charge of the Magistracy for the Month of April 1853.

(Here enter F. No. No 1172 of 1853)

Read Supplemental Return dated the 19th Ultimo from the Sessions Judge of Cuddapah to the Precept of the Fouzdaree Adawlut dated

2nd June 1853.

Udalut dated 21st April last on the Petn presented by T. Appiah, Vakeel on behalf of Vasser Devan Numbooteripaad and another

(Here enter F. Uc. No 1175 of 1852)

Read Calendar dated the 25th Ultimo submitted by the Sessions Judge of Chingleput of a Prisoner tried by him under Regulation 1 of 1830 and Act XXXV of

(Here enter F. Uc. No 1181 of 1853)

Read Calendar of Case No 13 of 1853 submitted by the Sessions Judge of the dated the 20th Ultimo.

(Here enter F. Uc. No 1183 of 1853)

Read Calendar of Case No 14 of 1853 submitted by the Sessions Judge of Coimbatore dated the 30th April 1853.

(Here enter F. Uc. No 1186 of 1853)

Read Calendar of Case No 15 of 1853 submitted by the Sessions Judge of Coimbatore dated 30th April 1853.

(Here enter F. Uc. No 1187 of 1853)

Read Report dated the 17th Ultimo submitted by the Sessions Judge of Rajahmundry of the Labor of the Convicts charge of the Magistrate for the Month of April 1853.

(Here enter F. Uc. No 1199 of 1853)

E. W. Thomas

# F. Uc.

Friday
3d June 1853.

At a Court of the Foujdaree Udalut

Present

The Hon'ble G. J. Hooper Esqre ——— Senior Judge
W. A. Morehead Esqre ——— Senior Judge
J. L. Grange Esqre ——— Senior Judge

Read Letter under date the 4th May 1853 from the Sessions Judge of Rajahmundry

(Here enter F. Uc. No 1174 of 1853)

In the foregoing Letter the Session Judge requests the instructions of this Court of Foujdaree Udalut in regard to the disposal of a case of breach of the Udalut tried by him in his capacity of a Justice of the Peace, but which he now considers to be cognizable by the Sessions Court on the ground that the offence charged was alleged to have been committed on the Public Highway of Chingleput.

The case directed to be formed thereupon having been transmitted to this Court by the Subordinate Judge in charge under date the 22d February last in reply to a letter from the Court of Foujdaree Udalut intimating their opinion that the case as stated by the Subordinate Judge could only be tried by him as a Justice of the Peace and suggesting

suggested to him the propriety of referring any doubt he might entertain on this point for solution by the Advocate General.

3 It is to be regretted therefore that the Session Judge before entering upon the trial of this case did not ascertain the precaution to which the accused was liable by law.

4 Under the circumstances stated by the Session Judge that the accused was not legally bound by law as a Sirdar of the Poona, but that he was responsible to the Criminal Courts of the State, it was the duty of that Officer to dismiss the case and refer for further consideration that the said charge of the accused forms grounds for a Criminal prosecution against the party as to the accused himself should this case be brought before the Criminal Courts of the District.

5 It appears however to be the opinion of Judge that from the history of the case as stated by the Session Judge in his letter to the Magistrate that the charge can be dealt with under the provisions of Act XXV of 1850 and that the Court does not refer for a simple action, than for a Criminal prosecution.

6 The



with having falsely assisted his ownership of a Ship which had been purchased by him at the Mauritius for a which he had been furnished by him at the Mauritius for a Sirdar Bombay with money entrusted to him by the said Firm for the purpose

In support of the charge certain letters have been produced, purporting to have been written by the accused and containing admissions of the half share in the Ship having been purchased by him on account of the Bombay Firm with money entrusted to him by them and Nathoo Ahmed having been the purchaser of the remaining share of the ship, of which share of the remaining share of the ship, of which the whole of the purchase money had been paid by the accused from the funds furnished to him by the employers, who were to be repaid by Nathoo by the employers, who were to be repaid by Nathoo Ahmed for the half share purchased by him, or Ahmed for the half share purchased by him, or on default to become the entire owners of the ship on default to become the entire owners of the ship

The accused at once disappear repudiates

6 the letters as forgeries, and alleges that the letters as forgeries, and alleges that he purchased the Ship on his own account jointly with he purchased the Ship on his own account jointly with the above mentioned Nathoo Ahmed, who holds the the above mentioned Nathoo Ahmed, who holds the title deeds of the vessel title deeds of the vessel

It is scarcely probable that legal proof

7 of the authenticity of the letters produced for the prosecution of the authenticity of the letters produced for the prosecution of this charge against Rajahmundry, where the accused, if on this charge against Rajahmundry, where the accused, if

appears,

appears, is a stranger, and it seems clear that with such proof, presuming the circumstances of the case as stated by the Sessions Judge, no Criminal conviction could be sustained, the accused never having been in the possession of the parties by whom the charge has been preferred.

10. If no further evidence therefore be procurable than that adverted to by the Sessions Judge, the Court of Foujdaree Adawlut would be disposed to consider the case purely of a Civil nature, and recommend that it should only be decided at the Boundary by an action for damages if the Zemindar alleged to have made the attack by this Court, at whose instance the charge has been preferred.

Ordered that a Extract from these Proceedings be forwarded to the Sessions Judge of Rajahmundry for his information.

(Signed) J. Reid

Read the Criminal Reports submitted by the Agent at Kurnool for the year 1852

(Vide order in F. Vol. No. 1 proceedings of 1853)

Appendix D to Statement No. 1

The entry of one person in Column 3 of this Statement as having been tried on the 30th November should be expunged from this Column, inasmuch as he was tried





have been included under head "Heads of Police" viz. in the Appendix.

Appendix C. to Statement No. 1 / Appendix B. to Statement No. 1

2 The explanation required in para 4 of this Court's letter dated 1st April 1853 should be given in the Columns of remarks of these Appendices.

Comparative Statement

3 The entries in Columns 6-8-10-17-19 and 20 head "Petty Offences" require amendment

4 The entries in Columns 7-8-9-10-11 and 15 head "Crimes and Misdemeanors" require amendment

Vide page 46 of the printed Criminal report for 1852

5 A note showing the state of crime and causes which have influenced it as required in para 5 of this Court's letter of the 1st April 1853 should be appended at the foot of this Statement

Statement showing the Land assessment payable for 1852

6 The entry in Column 9 requires amendment.

7 The entries in Columns from 16 to 24 will be effected by the remark in para 6

8 The remarks in para 6 and 7 apply also to this Statement

Statement showing the Land assessment payable for 1852

9 The Agent will be pleased to report whether the Zemindar of Kurnool has acquitted himself satisfactorily on the discharge of his Criminal duties during the year 1852.

Statement No. 1

10 The Court observe that the Agent should

Statement No 3. A
Statement showing the No of Cases forwarded to the Criminal Court by each Head of Police
Statement showing the nature and the result of charges preferred against the Police
Table of Suicides and accidental deaths

shewn to have omitted the Statements called for by the enclosed Circular Letter from this Office dated 1st April 1853 and that the Returns required by the said Circular Letter should be forwarded without further delay.

Ordered that Extract from these proceedings be forwarded to the Superintendent of Police at Fort St George at Chepauk by the first conveyance and that he be directed to report to this Office by the first Dak after the receipt thereof whether the Returns required by the said Circular Letter have been forwarded to the Sessions Judge of Chingleput.

Read the following Report No 1701 dated 25th May 1853 from the Sessions Judge of Chingleput forwarding the Returns required by the Circular Letter from this Office dated 1st April 1853.

(Vide Letter to Chingleput dated 27th May 1853 Para 2.)

Ordered that Extract from these proceedings be forwarded to the Sessions Judge of Chingleput and that he be directed to report to this Office by the first Dak after the receipt thereof whether the Returns required by the said Circular Letter have been forwarded to the Sessions Judge of Tanjore.

Read the following Report No 1702 dated 25th May 1853 from the Sessions Judge of Tanjore forwarding the Returns required by the Circular Letter from this Office dated 1st April 1853.

(Vide Letter to Tanjore dated 27th May 1853 Para 2.)

Ordered that Extract from these proceedings be forwarded to the Sessions Judge of Trichinopoly and that he be directed to report to this Office by the first Dak after the receipt thereof whether the Returns required by the said Circular Letter have been forwarded to the Sessions Judge of Madura.

Read the following Report No 1703 dated 25th May 1853 from the Sessions Judge of Trichinopoly submitting the Returns required by the Circular Letter from this Office dated 1st April 1853.

(Vide Letter to Trichinopoly dated 27th May 1853 Para 2.)

Ordered that Extract from these proceedings be forwarded to the Sessions Judge of Madura.

Appendix D to Statement No 2 — 1

The 2 persons entered in Column 3 of this Statement as having died were shewn in the Appendix from the head "Heads of Police" were in this Appendix

Appendix A to Statement No 3 A — 2

The 3 persons imprisoned in default of payment of fines should also be included in the "Imprisoned" under Columns 3. 6 & 7

Appendix B to Statement No 4 — 3

The aggregate of the entries in the Appendix should be 176 according to the Statement

Comparative Statement — 4

Vide page 37 of the printed Criminal Reports for 1851

The entries in Columns 9 and 10 "Crimes and Misdemeanors" required under the heads of the state of crime and causes which have influenced should be given at the foot of the Statement and not in the Columns of the same

Statement showing the cases involving grievous injury &c for 1852 — 5.

The entries in Columns 9 and 10 of



amendment.

The entries in Columns from 16 to 6

24 will be affected by the remark in para 5.

A similar remark as in paras 5 and 7

Statement showing the cases involving grievous injury &c for 1852 — 7

6 applies to this Statement also.

In this Statement the foot note re-

Statement showing the nature and the result of charges preferred against the Police — 8

ferred to in para 2 of this Court's letter dated 1st April 1853 should be added.

The explanation required in para 4

Appendix E to Statement No 1
Appendix A to Statement No 2 — 9

of this Court's letter dated 1st April 1853 should also be given with regard to the persons detained before the Heads of Police, Coroners Inquests, Cantonments &c.

3rd June 1853.

Vedalut under date the 16th May 1853, conveying the
observations and orders in Case N: 16 of 1853 on the file
of the Session Court

(Memorandum F. M. N: 120 of 1853)

Read letter dated the 23rd May 1853
the Agent to the Governor in Vizagapatam forwarding
the death warrant issued by him to be executed
for the execution of Somasundy Venkatadri

(Memorandum F. M. N: 213 of 1853)

Read communication dated the 4th
1853 from the Session Judge of Vizagapatam with Roll
Petty Cutcherry of the Magistracy for the 12 Taluk

(Memorandum F. M. N: 1315 of 1853)

Saturday
4th June 1853

F. M.

At a Court of the Sessions Vedalut

Present

G. J. Hooper Esqr
W. D. Morehead Esqr } Puisne Judges
T. L. Strange Esqr

Read Miscellaneous Petition of
A. Veeranah received from the Session Judge
of Rajahmundry on the 25th April 1853
Memorandum F. M. P. N: 61 of 1853

Petitioner the 3d Prisoner in Case
No 37 of 1853 on the file of the Session Court of
Rajahmundry was sentenced on conviction of house-
breaking and theft to 7 Years imprisonment with
hard labour and irons He prays the Court of
Sessions Vedalut to call for the record of the trial and
order his release

The sentence appealed against having
been passed so long ago as the 28th July 1852 the Court
of Sessions Vedalut declines to take the appeal into
consideration

Ordered that Extract from these
proceedings be sent to the Session Judge of Rajahmundry
for communication to the Petitioner

Entered A.

4th June 1853

Read Miscellaneous Petition presented on the 18th April 1853 by Arun Venkatarow of Zillah Chittoor through his Mookteer Vakeel

Here enter F.M.P. No 53 of 1853

Mr W.A. Morehead 1. The petitioner was the prosecutor in Sessions Case No 22 of 1852 before the Sessions Court of Chittoor. The Charge preferred by him against the three prisoners on trial was that of forging the (prosecutor's) signature to three Tanjore bonds and with having uttered them with intent to defraud him.

2. The object of this application is to procure the restoration of the bonds which petitioner alleges to be absolutely his property

3. The Court of Foujdaree Udalut refuse no order for the restoration to the petitioner of the bonds to which he refers and in regard to which it is to be observed that there is nothing on the papers before the Court to show how they passed out of petitioner's possession or in whose custody they at present are. It is plain however that if any party has unlawfully detained bonds which are the property of petitioner his remedy is by Civil action, and the Court of Foujdaree Udalut are therefore constrained to dismiss the petitioner's application.

4th June 1853

Ordered that the Extract from these proceedings be furnished to the petitioners Vakeel on his application

Read Miscellaneous Petition presented on the 4th April 1853 by Padavathemmal of the Zillah of Chittoor

(Here enter F.M.P. No 54 of 1853)

Mr G.S. Hooper and " T.L. Strange 1. The Object of this Petition is to induce the Court of Foujdaree Udalut to direct the release of the Petitioner's husband Chittoveeran a Jail peon and 2nd prisoner in Case No 46 of 1852 on the Calendar of the Session Court of Chittoor on which he was charged with having connived at the escape of two prisoners from the Jail at Chittoor.

2. The record of the case in question has been referred by the Session Judge for the final judgement of the Foujdaree Udalut and the Court of Foujdaree Udalut have convicted the Petitioner's husband of the offence laid to his charge and have sentenced him to two years imprisonment with hard labor in irons.

The Court of Foujdaree Udalut accordingly resolve to dismiss the Petitioner's application

Ordered that the Extract from these Proceedings be sent to the Petitioner on her application

4th June 1853.

Read a Miscellaneous Petition
of the 17th May 1853 by Subbanna of the village of
Combercoonum

Mc. W.

Mc. W.B. Morehead 1

Hereunto Sub. No. 76 of 1853

Petitioner states that he has been
Prisoner in pursuance of a Sentence of the
Court of Combercoonum was recently charged with
to commit grievous robbery and wounding and produced
the Session Roll, by which sentence
therefore forms the Court of Foujdaree Udalut
the record of the trial and to restore the husband

2.

nothing on this petition to contradict them to call for
record of the trial

3.

The Petitioner states that the
of Petitioner's husband resulted from his good
been fully established. The Petitioner appeared
on behalf of her husband alleges that
have no has before before the Session Court
is therefore rejected

Ordered that a transcript
proceedings be forwarded to Petitioner on the

4th March

4

F. U.

Monday
6th June 1853.

At a Court of the Foujdaree Udalut

Present

G. I. Hoosier Esquire
W. A. Morehead Esquire } Puisne Judges
I. L. Strange Esquire

Read Criminal Reports
submitted by the Agent to the Governor in
Kurnool for the month of March 1853

Hereunto F. U. No. 1085 of 1853

The Court of Foujdaree Udalut

Report B

observe that in this report 8 Cases are entered
as "under examination," several of these being of
long standing- they resolve therefore to call
upon the Agent to the Governor to explain
the cause why so many cases remained undisposed
of and at the same time to urge upon that Officer
the necessity of adopting measures for the more
speedy disposal of the Cases before this Court

Ordered that Extract from these
Proceedings be sent to the Agent to the Governor
in Kurnool, by Precept returnable within
days from and after its receipt

Sent following precepts No.

4th March

4th June 1853.

Read a Miscellaneous Petition
on the 17th May 1853 by Labedinna of the village
Combucconum

Mr W. H. Moreland

Mr W. H. Moreland 1

Petitioner states that the Petitioner
Prisoner in case No 34 of 1852 on the file of the
Court of Combaconum was arrested by Sharpe
to commit [illegible] robbery and wounding and produced
the Session Judge to [illegible] punishment
therefore prays the Court of Sessions Udalut to
the ground of the bond and to order her husband

2

nothing on this petition to enclose them to void
ground of the bond

3

Mr Columbine states that the
of Petitioner's husband resulted from his good
have fully established that the bond was executed by
on behalf of her husband differs from that
have we have before the Session Court
is therefore rejected

Ordered that [illegible] extract of
proceedings be forwarded to Petitioner on her

Mr Thornton

Monday
6th June 1853.

# F. U.

## Act a Court of the Foujdaree Udalut

Present

G. I. Hooper Esquire
W. A. Morehead Esquire } Puisne Judges
J. L. Strange Esquire

Read Criminal Reports
submitted by the Agent to the Governor in
Kurnool for the month of March 1853

/ November F. U. No 1085 of 1853 /

The Court of Foujdaree Udalut

Report B.

observe that in this report 8 Cases are entered
as "under examination", several of these being of
long standing. They resolve therefore to call
upon the Agent to the Governor to explain
the cause why so many cases remained undisposed
of and at the same time to urge upon that Officer
the necessity of adopting measures for the more
speedy disposal of the Cases before his Court.

Ordered that Extract from these
Proceedings be sent to the Agent to the Governor
in Kurnool, by Precept returnable within 7
days from and after its receipt.

Sent following precept No 5

Mr Thornton

Tuesday,
7th June 1853.

F. 20

At a Court of the Fouzdaree Udalut.

Present.

Gdk — G. L. Hooper Esqr.
Inde — W. A. Morehead Esqr. — Puisne Judges.
Vk. — T. L. Strange Esqr.

Read Criminal reports for=
warded by the Session Judge of Madura for
the month of April 1853.

(Hon. enter S. R. 2d May 1853.)

In this case the prisoners were

Report A
Cas. No 34

1. charged with Cattle stealing and assault in hav=
=ing on the 26th February 1853 stolen a bullock
and a heifer the property of the 1st Prosecutor
and in having assaulted the 1st and 2d Pro=
=secutor with sticks and other weapons in the
evening of the 6th of March.

The Court of Fouzdaree Udalut

2. observe that the cattle stealing and the as=
=sault charged against the prisoners formed
grounds for two distinct charges, the acts in ques=
=tion being alleged to have occurred at different
times.

Ordered that a Transcript from the
proceedings be sent to the Session Judge of Mad=
=dura for his information and guidance and
for communication to the subordinate Judge.

(Sent in No.)

Read

Read Calendar of Case No. 115 of 1853 of the Session Court of Rajahmundry

(Here enter F.R. No. 1157 of 1853.)

The Court of Sudder Adawlut approve of the recommendation made by the Sessions Judge in this case that the imprisonment, which the Prisoner noted in the margin has been adjudged to suffer on his conviction of the crime of Theft be reduced to three years' imprisonment with hard labor in irons, and they do authorize the Sessions Judge to issue his warrant accordingly.

Ordered that Extract from these proceedings be forwarded to the Sessions Judge of Rajahmundry for his information.

(Sent in No.)

Read again Extract from the Minutes of Consultation under date the 3rd May 1853 forwarding for report the Petition addressed to Government by Lieu. Phillips late Sailor at Seetharamapuram.

(Here enter F.R. No. 1157 of 1853)

Read also return under date the 20th May 1853 from the Sessions Judge of Seetharamapuram to the precept of the Sudder Adawlut dated the 9th May 1853 calling for explanation with reference to the allegations contained in the foregoing Petitions and directing the Sessions Judge to state the cause of the late Jailor's dismissal and to submit copies of all orders passed by him with reference thereto.

(Here enter F.R. No. 1157 of 1853)

The explanation submitted in the foregoing return is not sufficiently distinct with reference to the allegations made by the late Jailor in regard to the Sessions Judge's conduct on the occasion of his wife visiting the Sessions Judge with the view of procuring her husband's restoration to his situation, and the Court of Sudder Adawlut direct that the Sessions Judge will submit a specific reply to the allegations in question.

2. The Sessions Judge has expressly denied the truth of the Petitioners' statement that on the 12th April last a servant of the Sessions Judge had been sent to his house with a message to his wife regarding his daughter, but the allegations above adverted to have reference to circumstances which are stated to have occurred in the month of February within a few days after the Petitioners' dismissal.

The Petition containing the charges

to be returned 3.

7th June 1853.

charges in regard to which further explanation is required to forwarded for the decision of the Sessions Judge.

Ordered that Extract from these proceedings be sent to the Sessions Judge of Trichinopoly now on leave at Madras by transit returnable within 10 days from and after its receipt.

Sent following Transit &c

Ex Thatt

Read return dated 29th ultimo from the Sessions Judge of Mangalore to the precept of the Sunjdarry Adawlut under date the 16th April 1853 on receipt of the Report B from the Magistrate of Canara for the month of February last.

(Here enter S.A. No 1252.)

Read Report dated the 30th ultimo, submitted by the Sessions Judge of Masulipatam of cases pending on the 31st March 1853 and committed for trial during the month of April 1853.

(Here enter S.A. No 1253.)

Read Report dated the 1st instant, submitted by the Sessions Judge of Chittoor of cases pending on the 31st May 1853 before him for a period of 30 days in Hours calculated from the day of commitment.

(Here enter S.A. No 1254.)

+

Wednesday.
8th June 1853.

S.A. No

At a Court of the Sunjdarry Adawlut

Present

G. A. Hooper Esquire
W. A. Morehead Esquire — Puisne Judges.
J. L. Strange Esquire

Read Calendar in Case No 16 of 1853 on the file of the Sessions Court of Cuddalore.

(Here enter S.A. No 1166 of 1853)

In this case the prisoner a girl of between 13 and 14 Years of age is charged with having forcibly conveyed a child of 2 years of age to a distance from his home, with having stripped him of Jewels worn at Rupees 2 and with having left the child in a place by which his life might have been endangered.

The Acting Sessions Judge

considers that the fact of leaving the child in this defenceless condition displays so malicious a disposition as to require a sentence of one years imprisonment which he accordingly passed.

The Court of Sunjdarry Adawlut observe that neither violence nor intimidation appears to have been used and that the case must be regarded as one of simple theft.

Rs.

4.

As to the leaving of the children there does not appear to have been any very imminent risk of evil consequences nor does there seem ground for concluding that the prisoner designed to subject the child thereby to injury and adverting to the age of the prisoner and the attendant circumstances the Court of Sangdarai Wdalut are of opinion that the period of imprisonment awarded to the prisoner may with propriety be reduced to one month and they authorize the Acting Sessions Judge to amend his warrant accordingly

5

Should the Acting Sessions Judge dissent from the above opinion he will be pleased to submit an Extract of the proceedings for the consideration of the Sangdarai Wdalut

6

The Court consider it desirable that the prisoner should as far as practicable be prevented from mixing with the other prisoners confined in the Jail

Ordered that Extracts from these proceedings be communicated to the Acting Sessions Judge of Cuddalore for his information and guidance by precept returnable within 7 days from and after the date

(Sent following Precept No )

Read again Calendar of petty cases disposed of by the Magistracy of Salem during the 2d Quarter of 1852.

(Here enter S.C. No 106 of 1853)

Read

9th June 1853.

Read also return under date the 20th May 1853 from the Sessions Judge of Salem to the precept of the Sangdarai Wdalut dated the 4th May 1853 conveying their orders on the foregoing Calendars.

(Here enter S.C. Nos 1143 of 1853)

1. It appears from the foregoing return that in case No 96 the first of the two Cases noticed in this Courts proceedings of the 2d Ult the Joint Magistrate of Salem fined the defendant (a village Moonsiff) 3 Rupees for dispatching a report to the Head of Police which declared the complicity of one Nagamala Comme and his brother in a highway robbery.

The report it would seem was false and the prisoner finally recalled and altered it.

2.

Under the explanation submitted the Court of Sangdarai Wdalut see no reason for disturbing the sentence in this case but deem it proper to impress upon the Joint Magistrate the importance of recording the charges in Cases tried by him with greater accuracy and explicitness

3.

In Case No 82 the prisoner was fined 7 Rupees & found guilty of a trespass and that he prevented sweepers of the Parish Caste from sweeping in a Government Travellers bungalow and levied 2½ Rupees from a sweeper who has 18 Years for performed

the

the Officer under the pretence that he has contravened
cast rule.

5. The Court of Sanjdaree Adalut are
of opinion that these facts do not constitute the offence
of trespass and direct that the fine of Loved be remitted
and returned to Defendant.

Ordered that Extract from these pro-
-ceedings be sent to the Sessions Judge of Salem for his
information and for communication to the Magistrate
by precept returnable within x days from and after
receipt.

(Sent following precept. No
Read again Miscellaneous Petition
presented on the 24th March 1853 by Venkata Row
late Jail peon at Trichinopoly

(Here enter Sel. M.O. No: 22 of 1853)

Read also return under date the 6th
May 1853 from the Acting Sessions Judge of Trichi-
-poly to the precept of the Sanjdaree Adalut dated the
12th April 1853 conveying their orders on the foregoing
petition

(Here enter Sel. No 103 of 1853)

Mr. C. S. Harper
W. A. Morehead
J. L. Strange

The Court of Sanjdaree Adalut
direct that the Acting Sessions Judge will forthwith
proceed to re-institute the enquiry directed in this Court's
proceedings



proceedings of the 3rd February last which proceedings it
is to be observed left no discretion with the Acting Sessions
Judge in regard to the propriety or otherwise of carrying out
the investigation directed.

2. When reporting the result of the enquir-
-y made by him the Acting Sessions Judge will submit
copies of any orders that may have been recorded with refer-
-ence to such misconduct of the Petitioner

3. The observations in which the Acting
Sessions Judge has thought fit to indulge in the 5th
and 6th paras of his return are very indecorous and alto-
-gether unbecoming the position filled by that officer with
reference to the Court of Sanjdaree Adalut.

It is obviously necessary that there
should be an appeal open to those who have been dismissed
from their situation, and no local officer whose desire it
is to exercise his functions in the manner in which
they should be discharged should object to his acts being
brought under review and a remedy afforded in the event
of his having been betrayed into error therein.

Ordered that Extract from these
proceedings be forwarded to the Acting Sessions Judge
of Trichinopoly by precept returnable within 111 days
from and after its receipt.

(Sent following precept No

Read

Read again Miscellaneous Petition
petition on the 20th December 1852 by J. Chellerlooy Esqr
Vakeel on behalf of Vadanaigumpillay late Songdaree Tsil-
-lador in the Zillah Court of Trichinopoly.

(Here enter Flle M. P. No 238 of 1852.)

Read also return under date the 13th
May 1853 from the Acting Sessions Judge of Trichino-
-poly to the Precept of the Songdaree Adalut dated the
28th April 1853 conveying their orders on the foregoing Petition

(Here enter Flle No 1116 of 1853.)

Mr G. S. Hooper
- W. A. Maycheil
- J. L. Strange

1.
The whole tenor of the foregoing petition
is so highly undecorous and on every way objectionable
that the Court of Songdaree Adalut, resolve Bound
-mate to the Acting Sessions Judge Mr Scranton that
a repetition of similar observations in his official or
-municatons to the Higher Court will compel the Court
to report his conduct for the orders of the Right
Honorable the Governor in Council.

2.
The Court of Songdaree Adalut re-
-solve to direct that the Petitioners case be referred to the
Sessions Judge Mr Harris to whom the Petitioner will
present himself on his assuming charge of the Court

Ordered that Extract from these pro-
-ceedings be forwarded to the Acting Sessions Judge of
Trichinopoly for his information.

(Sent in No

Entered



Ordered also that Extract from these
Proceedings (para 2) be given to the Petitioners Vakeel
on his application.

Read Calendar of Case No 13 of 1853
of the Sessions Court of Coimbatore.

(Here enter Flle No 1194 of 1853)

1st Vamboor Chetty
2d Venkatasa
3d Marudan
4th Rungadauny
5th Sullen

The Court of Songdaree Adalut
1.
approve of the recommendation made by the Sessions Judge
in this Case that the imprisonment, which the Prison-
-ers noted in the margin have been adjudged to suffer on
their conviction of the crime of Highway Robbery be
reduced to 7 Years imprisonment with hard labor in irons
and they do authorize the Sessions Judge to issue their
warrant accordingly.

Ordered that Extract from these
Proceedings be forwarded to the Sessions Judge of Coim-
-batore for his information.

(Sent in No

Read Calendar of Case No 16 of 1853
of the Sessions Court of Coimbatore.

(Here enter Flle No 1188 of 1853)

The Court of Songdaree Adalut
1
approve of the recommendation made by the Sessions Judge
in this Case that the imprisonment, which the Prisoner
notes

Paraamagoundan notes in the margen has been adjudged to suffer the
penalties of the crime of wilful and corrupt Perjury
ry be reduced to four months imprisonment with
hard labor without irons and he authorizes the Sup
Judge to issue his warrant accordingly.

Ordered that Extract from these
Proceedings be forwarded to the Sessions Judge of
Coimbatore for his information.

(Sent on No )

Read letter dated 25th May 1853 from
the Sessions Judge of Honore submitting for the final judg
ment of the Sungdaree Oodaluk the Record of Criminal
of 1853 of the Calendar of the Sessions Court

(Honore Criminal No 1226 of 1853)

The Court of Sungdaree Oodaluk after
deliberate consideration of all the circumstances of the
case as evidenced before them being of opinion that the
proof against the prisoner

Moolia

is sufficient to convict him of the crime of Murder
conveth thereof; and under the provisions of Section X Reg
lation VIII of 1802 sentences him to suffer death by
hanging at the usual time and place of execution

(Sent on No )

Read letter from the Magistrate of Malabar

8th June 1853.

dated 7th May 1853

(Here entered Public No 1110 of 1853)

In the forgoing letter the Magistrate
1
of Malabar suggests a modification of the Order passed by
the Court of Sungdaree Oodaluk under date the 19th May
last prohibiting the cultivation of certain land in Mount
Dilly by certain parties who claim possession of it and
whose claims are now under investigation in a Civil Suit
The Magistrate points out that by
2
the operation of these Orders Government lose a revenue
of 700 Rupees per annum and that the non cultivation of
the land has thrown many poor people out of employ
He proposes that full cultivation be
3
allowed to all claimers of bonâ fide cultivators but that the
landlords share shall be paid into the hands of a Govern
ment Officer, to remain in deposit until the decision
of the land suit now pending.

Under the circumstances represented
4
the Court of Sungdaree Oodaluk resolve to modify their
Order of 19th May 1852 and to permit the disputed lands to
be cultivated under the conditions specified by the Ma
gistrate in his letter under review

The Court of Sungdaree Oodaluk have
5
again to point out that the Magistrate's letter having
reference to a matter which has formed subject of appeal

to

to the Sessions Court should have been forwarded thro' the Sessions Judge.

Ordered that Extract from these Proceedings be forwarded to the Sessions Judge of Tellicherry for his information and guidance and for communication to the Magistrate of Malabar.

(Seal in Nº )

Read letter under date the 30th May 1853 from the Acting Sessions Judge of Masulipatam forwarding English Translation of the record of Case Nº 27 of 1853, on the Calendar of the Sessions Court, for the final Judgment of the Court of Foujdaree Adalut.

(Here enter F.C. Nº 23 of 1853)

The Court of Foujdaree Adalut on a deliberate consideration of all the circumstances of the case in evidence before them being of opinion that the Prisoner,

1st Vinnacola alias Chinta Zallo Mahalutchumee

is not convicted on presumptive proof or on the evidence of credible witnesses, or on her own confession, of the crime charged, do acquit her thereof, and direct that she be set at liberty.

(Seal in Nº )

Ex. Th. Scott



F.C.

Friday 10th June 1853

A Court of the Foujdaree Adalut

Present

G.S. Cooper Esquire
W. M. F.A. Morehead Esquire — Puisne Judges.
M. L.S. Strange Esquire

Read letter under date the 26th Ulto. from the Agent to the Governor of Fort St. George at Kurnool, submitting for the final orders of the Foujdaree Adalut a Report on the trial of Case Nº 16 of 1853 on the file of this Court.

(Here enter F.C. Nº 21 of 1853)

The prisoner in this Case has been tried for the crime of Culpable Homicide, and the Agent being of opinion that the charge has been fully proved, recommends that he be sentenced to one months imprisonment, under clause second Section XV Regulation VII of 1802. The Court of Foujdaree Adalut concur in the conviction of the prisoner

Mungala Vencategadoo

and accordingly direct that he be sentenced to imprisonment with hard labor in irons for

four

and during the period of one Month, under the provisions of the Regulations above quoted

Ordered that Extract from these Proceedings be forwarded to the Agent to the Governor of Fort St. George at Cannanore for his information.-

/Sent in &c.

Read Letter under date the 23d May 1853 from the Sessions Judge of Honore

/Recorded F.C. & C. No. 1200 of 1853/

In the foregoing Letter the Sessions Judge has requested the instructions of the Court of Sudder Adalut regarding the treatment to be observed towards Kasim Khan, by whom the assault upon the Sessions Judge reported in his letter of the 17th Ultimo, is stated to have been committed.-

2

The Court of Sudder Adalut consider it desirable to direct that the Principal Sessions Judge of Honore take primary cognizance of the offence charged against the Prisoner in question, and upon the commitment of the case being reported by the Sessions Judge the Court will be prepared to apply to the Government for Sanction to change the venue

10th June 1853.-

venue to Mangalore.-

Ordered that Extract from these Proceedings be forwarded to the Sessions Judge of Honore for his information.-

/Sent in &c.

Read the Criminal Reports submitted by the Sessions Judge of Chingleput for the year 1852.-

/Entered F.C. & C. No. 1179 of 1853/

Appendix A to Statement No. 1.

The Court of Sudder Adalut observe that the explanation now given with regard to the detention of Prisoners before the Magistracy refers to only 7 Prisoners who have been detained for above 60 days, and they direct that the Sessions Judge be requested to furnish similar explanation also, in regard to those who have been detained for more than 30 days before the Magistracy, Heads of Police, Annees, Cutwalls &c.-

Statement No. 2.-

The entry of one person in 2 Columns 5 and 8, appears to be an error, no Case being entered in Column 4.-

22 Separate Committals only

3 appear to have been included from Column 2 of this Statement, whereas the Entries in the

the Appendix F Columns 1 and 3 of Appendix to head "Deduct Separate Committals" gives

Appendix D to Statement No 2.- 4 The entries under head "Cases remanded to the Courts or Magistracy" of Appendix to Magistrate &c. Viz. 121, do not correspond with those in Columns 32 and 35 of the Statement

5 The entries under head "Cases treated under Act VII of 1843", Appendix to Magistrate &c. "Viz. 28, do not correspond with those in Columns 37 of the Statement 24.-

6 The entry of one prisoner in Collumn 21 of the Statement as having died &c., should be excluded from this Appendix

Appendix C to Statement No 3A. 7 The Sessions Judge will furnish the explanation required in para 4 of this

Appendix C to Statement No 3.B. letter dated 1st April 1853 in the Column of remarks of the Appendices entered in the margin.-

Appendix D to Statement No 3.B. 8 The entry in Column 6 of Appendix to head "Deduct Separate Committals" Viz 21, does correspond with those in Columns 16 of Appendix to the same head in the Appendix E to Statement No 2 (22).-

Appendix B to Statement No 4.- 9 A similar remark as in para 8 of these proceedings applies also to this Appendix



Statement showing the nature and the result of charges preferred against the Police.-

Comparative Statement of Petty offences.-

Do Crimes and Misdemeanours.-

In this Statement the footnote 10 required in para 2 of this Courts letter dated 1st April 1853, should be added.-

These two Statements should be 11 blended together after the form prohibited in pages 34 of the printed Criminal Reports — submitted for 1851, to which should also be — appended a precis shewing the state of crime and causes which have influenced it.-

The entries in Columns 3-7-18-19 12 20-21-22-23 and 29 of the comparative Statement of Crimes and Misdemeanours should be 5-12-183 430-17-43-28 according to the Statement No 2.-

Statement Shewing the Cases involving grave injury &c. for 1852.- The entry in Columns 9 requires 13 amendment.-

The entries in Columns 16 & 24 14 will be affected by the remark in para 13.-

The remarks in paras 13 and 14 15 apply also to this Statement.-

Statement Shewing the Cases involving grave injury &c. for 1853.- Orders that extract from these proceedings be sent to the Sessions Judge of Chingleput by precept returnable within 5 days from and after its receipt.-

Sent following precept &c.

Read

Read again
Miscellaneous Petition
presented to Government by G. Seetammah of
Gillah Nellore, and forwarded to the Court of
Tanjore Adalut under the 22d February 1853 for
disposal and report.-

(Errr entry F.C. No 375 of 1853)

Read also Return under date the
5th March 1853, Supplemental Return under date the
19th March 1853, and final Return under date the
30th April 1853 from the late Acting Superior Judge
of Nellore, to the process of the Tanjore Adalut
dated the 7th March 1853, calling for full inform-
ation with reference to the matters referred to
in the foregoing Petition.-

(Errr entry F.C. Nos 648, 678 & 1023 of 1853)

Read also letter under date the
11th May 1853 from the Acting Superior Judge of
Nellore.-

(Errr entry F.C. No 1084 of 1853)

Read also Miscellaneous Petition
presented to Government by G Seetammah of
Gillah Nellore, and forwarded to the Court of
Tanjore Adalut with reference to the Order of
Government under date the 22d February last,
forwarding the former Petition presented by



the same individual, for disposal and report.-

(Errr entry F.C. No 940 of 1853)

In the first of the Petitions
1. above recorded, the Petitioner has charged
the Police Jemadar of Nellore, with having
caused the death of her husband Boddogoo
Chenchiah, a Said Peon at Nellore, by striking
him on the belly with one iron hand cuff, on
the occasion of his being taken into custody,
for having created a disturbance in the house
of one Khandi Rajah, a resident of Sabobpett,
in the Town of Nellore, on the night of the
4th December 1852.-

The Petitioner stated that her
2 husband was in the habit of visiting the house
of the said Khandi Rajah, that on the occasion
in question he was drunk, and that on the
Police being called in to remove him from the
house, the Police Jemadar who was at Proximity
with him, falsely charged him as a Robber,
and so far exasperated him, that he shut himself
up in a room in the house, from which the
Police were unable to remove him until
they had summoned to the spot the Acting
Head Assistant Magistrate, and the

Acting

Acting Joint Magistrate, under whose direction after considerable resistance, her husband was at length captured, and removed to the Cutcherry Chaultry, where he received the injurious at the hands of the Town Police Sirdar, which resulted in his death two days afterwards.-

3 This charge has been retracted by the Petitioner in the Petition presented by her to Government under date the 30th March last, in which she states that she was instigated to prefer it by two persons named by her

4 It appears from the papers submitted by the Acting Sheristadar, that on the night, on which the Prosecutor's husband was taken into custody, considerable resistance was made by him to the attempts of the Police to capture him. On the arrival of the Police at the house in which he was found in the act of violently assaulting the owner of the house, he got hold of one of a shovel belonging to the latter, and setting the Police with blows and cutting at them with the shovel, baffled their attempts to take him for several hours, but eventually surrendered himself to the Acting Head Assistant Magistrate, at



at an early hour in the following morning, apparently in an almost fainting condition

5 It seems that after the arrival of the Acting Head Assistant Magistrate, the Peons being pelted by him, threw stones at him in return, until stopped by the Acting Head Assistant Magistrate, on being apprehended, he was removed to the Cutcherry Chaultry, and on the same day was present for some hours in the Acting Head Assistant Magistrate's Cutcherry. During the investigation held with reference to the attempt at Robbery laid to his charges.-

6 During this enquiry he showed symptoms of severe suffering and complained of pain in his stomach, and was asked by the Acting Head Assistant Magistrate, whether he had been beaten, in reply to which it appears he distinctly stated that he had not. He was then examined by the Dresser who could ascertain no marks of injury sufficient to account for the state he was in. It was afterwards however discovered, that he had received a severe blow on the abdomen, which is stated by the Zillah Surgeon to have

have been the cause of his death, on the next
morning he was reported by the Zillah Surgeon
to be in a very precarious state, and died at
2 P.M. on the following day.-

7 A few days afterwards, the
widow of the deceased presented a petition to
the Magistrate, containing the charge against
the Town Police Ameen, which formed the
subject of the 1st petition addressed by her to
Government. The subject of her complaint
was enquired into at the time, and upon the
Courts' requisition for a full report on the
matter, has been fully investigated by
the Acting Joint Magistrate in charge, who
has recorded his opinion in concurrence with
that expressed by the late Acting Head
Assistant Magistrate on the result of the
original enquiry, that no credible evidence
has been adduced in support of the charges
preferred by the Petitioner, and that all the
circumstances in evidence, favour the conclu-
sion that the death of the deceased was caused
by a blow inflicted previous to his appre-
hension.-

8 The late Acting Sessions Judge



to whom the Petitioner's petition to Government
was preferred by the Court of Sanjdaree Adalut
for report, has dissented from the above opinion,
and considers that "the great probability is
"that the deceased Chenchoo received the blow
"which killed him after he was in custody of
"the Police, but that there is no trustworthy
"evidence to show by whom it was inflicted."
The Acting Joint Magistrate
9 discredits the manifest falsity of the
direct evidence adduced to prove the charge of
Maltreatment preferred against the Police
Ameen, and bases the conclusion formed by him
principally on the presumption that a blow
so serious and fatal as that which caused
the death of the deceased, if it had been
received by him previous to his apprehension,
would have prevented his making the determined
resistance, he is shown to have made.-

On an attentive consideration
of the papers before them, the Court of
Sanjdaree Adalut see strong grounds for
concurring in the opinion of the Magistrial
Authorities, that the blow which caused the
death of the Petitioners husband, was received
by him previous to his apprehension. It is
shown

shewn that stones were thrown at the prisoner
even after the arrival of the Acting Head
Assistant Magistrate, until that officer put
a stop to it. and it does not appear from the
evidence of the Zillah Surgeon, who examined the
the deceased both before and after death, that
the fatal blow must of necessity have pre-
vented his using any active exertion after
it was received. The death of the deceased
according to the evidence of the Zillah Surgeon
was caused by Suffocation, and ultimately
by a Rupture of the intestines, which it is
probable did not supervene immediately
upon the blow being received, the exhausted
condition in which the deceased was found
when he surrendered, favors the supposition
that he had been severely injured previous
to his capture, there being nothing in the
nature of the resistance offered by him to
account for his being so prostrated, and this
hypothesis is considerably strengthened by
his subsequent mission to prefer any com-
plaint of Maltreatment when questioned
on the point by the Acting Head Assistant
Magistrate, as well as by the committee

Salarity



Salarity of the evidence brought forward in
support of the Petitioners charge, which it is observed
has now been retracted by her, and has been
imputed to the instigation of two persons
who have all along been accused by the Police
Amen, as the instigators of her complaint.

Ordered that Extract from
these proceedings be forwarded to the Chief
Secretary to Government for the purpose of
being laid before the Right Honorable the
Governor in Council.

Sent in &c

Ordered also that Extract
from these Proceedings be sent to the Acting
Sessions Judge of Chittagong for communication
to the Magistrate.

Sent in &c 5

4th Feb.

Read Return dated 30th May 1853 from
the Session Judge of Tinnevelly to the Receipt of the
Foujdaree Adalut under date the 23d Idem. directing
the unconditional release of the Prisoner in Session
Case No 10 of 1853.

(Here enter F. Vol. No 1259 of 1853)

Read Return dated 30th May 1853 from
the Session Judge of Tinnevelly to the Receipt of the Foujdaree
Adalut under date the 23d Idem, directing the unconditional
release of the Prisoner in Session Case No 12 of 1853.

(Here enter F. Vol. No 1260 of 1853)

Saturday
11th June 1853.

F. U.

At a Court of the Foujdaree Udalut

Present.

GLK — G. S. Hooper Esquire
WdH — W. A. Morehead Esquire
WH — J. D. Strange Esquire
} Puisne Judges

Read the Criminal Reports submitted by the Acting Sessions Judge of Cuddalore for the Year 1852.

(Here enter F. U. No 749 of 1853)

Appendix E to Statt. No 1 — 1 — The Court of Foujdaree Udalut direct that the Sessions Judge will furnish the explanation required in para 6 of this Court's letter dated 1st April 1853 in the Columns of Remarks contained in these Appendices.

Do D to Statt. No 2 — 2 — In Columns 2, 3, 4 and 5 of this Statement the Actual number of cases and persons should be entered.

Do C to Statt. No 3A — 3 — The 2 persons entered in Column 21 of the Statement as having died &c.

Do C to Statt. No 3B — should

Do B to Statt. No 4

Statement No 2.

Appx: D to Statt. No 2.

11 June 1853.

should be excluded from the head "Heads of Police" &c. in this Appendix.

App: B to Statt. No. 4

4 "The aggregate of the entries in this Appendix should be 191 and not 152.

Statement shewing the nature and the result of charges preferred against the Police.

5 In this Statement the foot note required in para 2 of this Court's letter dated 1st April 1853 should be added.

Ordered that Extract from these Proceedings be sent to the Acting Sessions Judge of Cuddalore by Precept returnable within V days from and after its receipt.

Ex. for Wholt

(Sent following Precept No. )

F.No.

Tuesday, 14th June, 1853.

At a Court of the Fouzdaree Adalut.

Present.

Hon'ble J.R. G.S. Cooper, Esquire
W.A. Morehead, Esquire
Tel. T.L. Strange, Esquire
} Puisne Judges.

Read letter from the Acting Sessions Judge of Trichinopoly under date 21st May 1853.—

/Here Enter F.No. No. 1175 of 1853/—

The Acting Sessions Judge

1. suggests the restoration to his appointment of Sobramanyen Chetty a writer in the Civil and Sessions Court who was suspended and committed for trial under Regulation VIII of 1829 for making away with judicial records.

It appears that the Acting

2. Sessions Judge has fully acquitted the writer of the offence charged, and he might therefore without reference to the

the Court of Fouzdaree Udalut have restored him to his situation, from which he was suspended on account of the criminal charge preferred against him.—

3.

The Court of Fouzdaree Udalut concur with the Acting Sessions Judge in his opinion that there is no imputation upon this Officer's character and direct that he be restored to his situation immediately.

Ordered, that Extract from these Proceedings be forwarded to the Acting Sessions Judge of Trichinopoly for his information and guidance.—

/Sent in Fo. /—

Read letter from the Sessions Judge of Calicut dated 24th May 1853.—

/Here enter F.Co. No. 1196 of 1853/—

1.

In the foregoing letter the Sessions Judge at the instance of the Magistrate of Malabar has referred for the opinion of the Court of Fouzdaree Udalut the following questions



propounded by the Joint Magistrate of Cochin.—

1st Whether a person employed at a fixed daily rate as a cooly or Carpenter who may commit "a petty theft" from the place of his employment is liable to the enhanced punishment prescribed by Clause IV Section III Regulation VII of 1822.—

2nd Whether in the event of the foregoing question being decided in the negative, an individual so employed for several months continuously is liable to the enhanced punishment provided in the enactment above quoted, on being convicted of a petty theft. The Sessions Judge considers that both these questions must be answered in the affirmative.—

The questions proposed

2.

in fact amount to the question—are the persons described, servants within the meaning of the Legislature &c.—

The

14th June, 1853.

3.

The Court of Foujdaree Udalut are of opinion that the regulation was merely intended to embrace domestic servants, that employment of the character described does not bring the employed under that designation, and that therefore it does not so aggravate a "petty theft" as to authorize the application of the more highly penal regulation to the perpetrator.

Ordered, that Extract from these Proceedings be forwarded to the Sessions Judge of Calicut for his information and guidance and for communication to the Magistrate.

/Sent in No./

Read return under date 23rd May 1853 from the Sessions Judge of Rajahmundry to the precept of the Court of Foujdaree Udalut dated 7th May 1853 conveying their orders upon Sessions Case No. 4 of 1853 on the file of the Sessions Court of Rajahmundry

/Here Enter F.U.C. No. 1206 of 1853/

Upon

F.U.C.

14th June, 1853.

1.

Upon a review of the Calendar in the above case, the Court of Foujdaree Udalut in their proceedings which accompanied the precept, to which this is a return, directed the Sessions Judge to mitigate the sentence passed upon the prisoner a peon convicted of connivance at the escape of 4 Convicts from 5 years to one year or if unable to concur in the propriety of such mitigation, to submit a translation of the record for their final judgement.

Upon a review of the

2.

record which (being unable to concur in the propriety of mitigating the sentence) the Sessions Judge has submitted; the Court of Foujdaree Udalut observe that in the Calendar of this case, the Sessions Judge did not sufficiently set forth the obviously corrupt connivance of the prisoner and that he further led the Court to the conclusion that in contravention of their repeated and positive

14th June, 1853.

positive orders the 4 escaped Convicts had been sent with a single peon to a station spot which was not the case. Under the supposition of the existence of these mitigatory circumstances they consider the sentence too severe.—

3.

They however consider it fully established that the prisoner fraudulently and criminally connived at the escape of the 4 Convicts whom he conducted several miles out of their way, evidently with the intention of effecting his Criminal purpose. They have therefore not to disturb the sentence originally passed by the Sessions Judge.—

Ordered, that Extract from these Proceedings be forwarded to the Sessions Judge of Rajahmundry for his information and guidance.

Sent in No 1/-

Read Calendar of Case No. 15 of 1853 submitted by the Sessions Judge of Salem under date the 31st May 1853.

Vide Entry No. 1276 of 1853/-

Read

14th June, 1853.

Read Calendar of Cases No. 6 of 1853 submitted by the Sessions Judge of Tellicherry under date the 24th May 1853.—

Vide Entry No. 1275 of 1853/-

Read Calendar of Case No. 25 of 1853 submitted by the Sessions Judge of Madura under date the 7th June 1853.—

Vide Entry No. 1276 of 1853/-

Read Calendar of Case No. 17 of 1853 submitted by the Acting Sessions Judge of Cuddalore under date the 9th June 1853.—

Vide Entry No. 1280 of 1853/

Read Calendar of Case No. 26 of 1853 submitted by the Sessions Judge of Madura under date the 8th June 1853.—

Vide Entry No. 1281 of 1853/-

Read letter dated the 10th June 1853 from the Sessions Judge of Chittoor, transmitting the Death Warrant issued by him in conformity with the final sentence of the Tongidaree Udalut

11th June, 1853.

Udalut in Calendar No. 42 of 1852 duly executed and returned by the Acting Subordinate Judge, together with copy of a letter from that Officer.—

/Here Enter F.C. No. 1282 of 1853/-

Read letter dated the 9th June 1853 from the Sessions Judge of Salem reporting that the delay in forwarding the annual Criminal Returns for 1852 was owing to the accounts received from the Magistrate having been returned to him for correction.—

/Here Enter F.C. No. 1285 of 1853/-

Read return dated the 10th June 1853 from the Acting Sessions Judge of Cuddalore to the precept of the Foujdaree Udalut under date the 8th Idem, expressing their opinion that the sentence passed against the Prisoner in Sessions Case No. 16 of 1853 may be reduced to one month and that if the Sessions Judge dissent from the above opinion he should submit an English translation of the records for the

F.C.

11th June, 1853.

consideration of the Court.—

/Here Enter F.C. No. 1286 of 1853/-

Read Calendars of Cases Nos. 33 and 34 of 1853 submitted by the Sessions Judge of Bellary under date the 8th June 1853.—

/Here Enter F.C. Nos. 1290 and 1291 of 1853/-

Read Calendar of Case No. 36 of 1853 submitted by the Sessions Judge of Bellary under date the 9th June 1853.—

/Here Enter F.C. No. 1292 of 1853/A

Wednesday, 15th. June, 1853.

At a Court of the Tanjadaree Adalut.

Present.

Geo. S. Cooper, Esquire
W. A. Morehead, Esquire
T. L. Strange, Esquire
} Puisne Judges.

Read Letter dated the 4th. Instant from the Sessions Judge of Calicut, referring for the final Judgment of the Tanjadaree Adalut, the Record of Case No. 2 of 1853 of the Calendar of the Sessions Court.

Have Enter J.116. No. 1278 A of 1853/-

Mr. T. L. Strange.

The Court of Tanjadaree Adalut, on a deliberate consideration of all the circumstances of the case in evidence before them, being of opinion that the proof against the prisoners,

1st. Moorikavil Coonjan

and

2nd. Poodoonakolangara Tathy.

is sufficient to convict them of that

Crime

crime of Housebreaking and Theft for which according to the Mahomedan Law as declared in futwas of their Law Officers the penalty of Hud is awardable, do convict them thereof; and under the provisions of Section XXI Regulation VII of 1802, Clause 2nd Section VI Regulation I of 1825 and Section XXXIV Act VII of 1843 sentence them to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of (5) five years.

And being of opinion that the prisoner,

3rd Moorookaukatil Mankar

is not convicted on presumptive proof or on the evidence of credible witnesses or on his own confession of the crimes charged, do acquit him thereof, but considering that strong suspicion though not amounting to conviction attaches to him. the Court direct that under the provisions of Clause Sixth Section II Regulation XV of 1803 he be required to find two sureties in (25) Twenty five



Rupees each surety for his good behaviour and appearance when required within three years and that in default thereof he be detained for three years in confinement.

Sent in No. 1—

Read again Calendar of Case No. 33 of 1852 submitted by the Sessions Judge of Chinglepute under date the 25th February 1853.—

Here Enter F. No. 539 of 1853.

Read also return dated 6th June 1853 from the Sessions Judge of Chinglepute to the precept of the Foujdaree Udalut under date the 5th March 1853 directing him to submit an English translation of the record in Sessions Case No. 33 of 1852 on the Chinglepute Calendar.—

Here Enter F. No. 1265 of 1853.

The Court of Foujdaree Udalut have been unable to concur with the Sessions Judge and Mahomedan Law Officer in considering the evidence sufficient

15th June, 1853.

sufficient for the conviction of the prisoners in this case of the crimes laid to their charge, and they accordingly resolve to reverse the sentence passed upon the said prisoners and to direct their unconditional release.

2. The grounds of the judgment formed by the Court of Sujdaree Adalut upon a consideration of the evidence will be communicated to the Session Judge in supplemental proceedings.

Ordered, that Extract from these Proceedings be forwarded to the Session Judge of Chinglepute for his information by precept returnable in III days from and after its receipt.

Sent following Precept No 1 to 13

Thursday
16th June 1853 } At a Court of the Sujdaree Adalut.

Present.

The Hon'ble G. A. Hooper Esquire
The Hon'ble F. B. Marshead Esquire
M. J. L. Strange Esquire. } Puisne Judges.

Read the Criminal Reports
Submitted by the Session Judge of Coimbatoor
for the year 1852 —
(Vide entry F.R. No 2017 of 1853)

The Court of Sujdaree Adalut

Statement No 1. direct that the Session Judge will explain why the persons charged with extortion & Bribery have been separately entered in this Statement instead of including them under the head "abuse of authority by Police officers"

The above remarks applies also

Statement No 2. 2. to the entries under heads 6 and 7 of these

Do Do 3B. Statements —

Statement shewing the nature and 3 The two persons entered in Columns 16 and 18
the result of Charges preferred against of this Statement do not appear under head
the Police — 2 of the Statement No 3 B. —

In

15

4. In Column 9 of this Statement persons are entered as "maliciously accused" while the foot Note shews that in no case was the Charge shewn to be wilfully false and Malicious.—

5. The Court have ruled under date the 17th May 1852 that the District Police officers are not competent to dispose of Cases of abuse of authority against the inferior officers of Police.

Appendix B to Statement No. 4.

6. The entry of one person in Column 16 of the Statement as having died &c. should be excluded from the Appendix.—

Comparative Statement of Petty offences &c. ——— of Crimes and Misdemeanors.

7. These two Statements should be blended together after the form exhibited in page 39 of the printed Criminal Reports submitted for 1851 to which should also be appended a review shewing the State of Crime and Causes which have influenced it.—

8. The entries in Columns 3. 7. and 8 of the Comparative Statement of Crimes and Misdemeanors should be 4-10- and 15.

Statement shewing the Cases involving grave injury &c. for 1852.

9. The Cases of Forgery and Perjury entered in Column 10 of the Statement No. 3 B as primarily Cognizable by



by the Court should also be entered in this Statement

The entries in Columns 3 and 9 require

10

Amendment.—

The entries in Columns from 16 to 24

11.

will be affected by the Remarks in paras 9 and 10.—

12. The entry in Column 9

Statement shewing the Cases in-

require Amendment.

volving grave injury &c. for 1851.

The remarks in paras 9 and 11 of these

13.

proceedings apply also to this Statement.

Ordered that Extract from these proceedings be sent to the Sessions Judge of Combaconum by precept returnable within X days from and after its receipt.—

(Sent following precept &c.)

Read Calendar in Case No. 21 of 1853 submitted by the Sessions Judge of Madura.

(Vide enter F.C. No. 1170 of 1853.)

In this Case the prisoners were charged with "aggravated Assault" in having on the 26th April 1853 along with 10 others beaten kicked and violently assaulted one Cauvah Ahmud since deceased

The Mohomedan Law officer in his

2.

Finds Convicted the prisoners of Manslaughter the other finding the Sessions Judge did not Concur and put a question to the Mohomedan Law officer to

to ascertain whether the prisoners were guilty or not under the indictment, pointing out at the same time that in the Law officers' Original Futwah they had been Convicted of a Crime with which they had not been charged.—

3.

The Mohomedan Law officer adhered to his Original finding.—

4.

The Session Judge being of opinion that the Futwah was only good as a Conviction of the Assault Charged Sentenced the 1st prisoner to pay a fine of 25 Rupees or in default three months imprisonment and the 2d. 3d. 4th and 5th to pay fines of 3 Rupees each or in default to be imprisoned for 15 days.—

5.

The Court of Foujdaree Adalut Consider that the Law officer erred greatly in Convicting the prisoners of a Crime with which they were not Charged and in persisting in his Futwah when his error was pointed out to him by the Sessions Judge notwithstanding that he was without any real grounds for justifying himself for adhering to his position. His Conduct appears to be the more reprehensible that he was thereby giving support to the Clamours of the people of his own Caste who



who had been demanding that the prisoners should be tried for Causing the death of the party Assaulted by them.

Ordered that Extract from these proceedings be forwarded to the Sessions Judge of Madura for his information and for Communication to the Mohomedan Law officer.

(Sent in etc.)

Read Calendar of Case No. 15 of 1853 on the file of the Sessions Court of Tinnivelly.

(Vers. suits Fd. Dc. No. 1244 of 1853)

The Court of Foujdaree Adalut see reason to question the propriety of the Conviction of the prisoners in this Case and they accordingly direct that an English translation of the Record may be submitted for their consideration.—

2.

The Court of Foujdaree Adalut regret to observe that in recording his remarks on the evidence, the Acting Sessions Judge Mr. Swinton has again indulged in a style of Comment on the proceedings of the Higher Court very unbecoming the grave matter to which those remarks have reference.

3.

The Court of Sudder and Foujdaree Adalut have recently animadverted on

on the flippant and objectionable style of writing which Mr Swinton has of late adopted in his official Communications and have intimated to him the Course they will deem it their duty to pursue in the event of a recurrence of similar improprieties on his part.

4. As however the remarks of the Acting Sessions Judge on the Calendar under review must have been recorded by him previous to the receipt of the Order referred to the Court will confine themselves on this occasion to the foregoing expressions of their opinion as to the impropriety of the remarks which have attracted their notice.—

Ordered that Extract from these proceedings be sent to the Acting Sessions Judge of Trichinopoly for his information and guidance by precept returnable within XV days from and after its receipt.—

(Sent following precept &c)

Read Criminal Reports submitted by the Sessions Judge of Chicacole for the month of April 1853.

/Here enter F. R. No 1184 of 1853/

Vizagapatam Cases 3 and 4

The Court of Foujdaree Adawlut require



require an explanation of the delay which occurred in the transmission of the reports of these Cases to the Sessions Court.

Ordered that Extract from these proceedings be sent to the Sessions Judge of Chicacole by precept and for Communication to the Principal Sudr Ameen at Vizagapatam returnable within X days from and after its receipt.—

(Sent following precept. &c)

Read again. Miscellaneous Petition presented on the 24th February 1853 by Sashachellum of the Zillah of Chingleput.

/Here enter S. & F. R. No. Petn 14 of 1853/

Read also return under date the 16th April 1853 from the Sessions Judge of Chingleput to the precept of the Foujdaree Adawlut under date the 4th April 1853 calling upon the Sessions Judge to submit the record of the trial held in Case No 64 of 1851 of the file of the Principal Sudr Ameen's Court.—

/Here enter F. R. No 871 of 1853/.

Read also Order of Government under date the 3d May 1853. No 393 forwarding for enquiry and report a petition addressed to Government

Government by Sashachellum of Gillah Chingleput.

/Here enter Jr. Ro. No. 922 of 1853/

Read also Miscellaneous petition pre-
=sented on the 10th May 1853 by Sashachellum
late Peon in the Principal Sudr Ameen's Court
of Chingleput.—

/Here enter S & J. Ro. No. 32 of 1853/

Mr. G.S. Hooper
Mr. F.A. Morehead
and
Mr. T.L. Strange

/ The individual by whom the fore-
=going Petitions to the Court of Foujdaree Adalut
and to Government have been presented and
who was a Peon in the Court of the Principal
Sudr Ameen of Chingleput on the 7th July
1851 preferred a Complaint before the Police Ameen
of Chingleput Charging one Sashachella Mordely
with having stolen a heifer from his backyard
valued at Rupees 3-8—

2. The Complaint, it appears, was
dismissed by the Police Ameen as false and
malicious, and the Police Ameen was about to
Commit the Petitioner Shashachellum to the
Subordinate Criminal Court for trial under
the provisions of Regulation IX of 1832 when the
Petitioner obtaining leave from the Peishcar Sudr
Ameen in whose Court he was doing duty at the
time



time proceeded to Madras where the Head
Assistant Magistrate was residing and presented
to that officer a Petition appealing from the proceedings
of the Police Ameen which resulted in an Order
being passed by the Head Assistant Magistrate
to the effect that the Charge preferred by the
Petitioner appeared to have been well founded
and prohibiting his Commitment for a false
Complaint.—

3. His Order was afterwards brought
in Appeal to the Magistrate by the individual
against whom the Petitioner had brought the
Charge to which it referred, and under in-
-structions forwarded by that officer to the Head
Assistant Magistrate the Police Ameen was
directed to Commit the Petitioner to the Criminal Court
He was accordingly tried upon
4-
a Charge of having preferred a wilfully false
and malicious Complaint and on Conviction
was sentenced to two years Imprisonment
with hard labor without irons under the
provisions of Section II Regulation IX of 1832;
having been previously dismissed by the Principal
Sudr Ameen from his situation of Jail
Peon

Peon and appointed a Batta Peon.—

5. This Sentence was Confirmed by the Session Judge in Appeal under date the 6th October 1851.—

6. On the 1st December 1852 the Petitioner presented a petition to the late Acting Session Judge Mr. Reade Complaining of the Sentence passed upon him and praying for his restoration to the situation from which he had been dismissed.

7. The Acting Session Judge in his proceedings of the 9th December 1852 dismissed the petitioners application on the ground of his having allowed so long a time to elapse without preferring any Appeal, overlooking apparently the Petition presented by him to the Session Judge in September 1851 and the Orders passed thereon.

8. In the petition presented by him to the Court of Foujdaree Adalut and to Government the Petitioner Complains of the injustice of the Sentence passed upon him which he attributes to enmity on the part of the Principal Sudr Ameen and prefers a Serious of Charges against that officer having reference to matters altogether unconnected with his Case and of which apparently the

Petitioner



Petitioner could have had no personal Cognizance.

9. The representations made by the petitioner to the disadvantage of the Principal Sudr Ameen appear to the Court of Foujdaree Adalut to be undeserving of Consideration as if well founded they would doubtless have been brought forward by the parties whom the petitioner represents as having been aggrieved by the acts of the Principal Sudr Ameen, and who it is to be presumed would have Come forward to accuse him during the Course of the Searching Ordeal which his Conduct has recently undergone.—

10. As respects the matter for which Petitioner was brought to trial and sentenced it appears from the evidence adduced on the trial that on the day that he missed his heifer the 6th July 1851 Soorachella Moodely the party alleged by him to have stolen it, sent in a written Communication to the Police Ameen reporting that the animal had been Committing damage on his premises and that he had secured it, and that Ramen Khan one of the Peons to whom the said Communication was entrusted informed petitioner of the circumstance the next day when the Petitioner mentioned his

his loss to him. The petitioner had thus in-
formation that his heifer had been secured
as a stray and not stolen, and according to
the Police Ameen his first representation to him
was that it had been detained as a stray. The
petitioner's subsequent allegation that Sasha-
chella Moodly had stolen the heifer after
he had full information that the fact was
otherwise than stated by him appears to the
Court of Fouzdaree Udalut to have involved a
false and malicious Complaint for which
he was justly liable to punishment.

The Court of Fouzdaree Udalut
however Consider the punishment to which the
petitioner has already been subjected in
having undergone two months imprisonment
and been kept for nearly two years without
employment sufficient for the offence com-
mitted by him, and they accordingly resolve
to intimate their opinion that he may be reemployed
on a vacancy occurring.

12. In the Orders of Government
now under reply the attention of the Court
has been directed to the proceedings of the
Principal



Principal Sudr Ameen of the 4th and 29th August
1851 and to those of the late Acting Civil and
Sessions Judge of 9th December last. The pro-
ceedings of the Principal Sudr Ameen which
were recorded previous to the Petitioner's Commit-
ment for trial have reference to his leaving
Chingleput and going to Madras to appeal to
the Head Assistant Magistrate against the
proceedings of the Police Ameen for which
act he was dismissed by the Principal Sudder
Ameen from his situation. It is admitted
by the Principal Sudr Ameen that the Petitioner
had obtained one days leave of absence from
the Sudr Ameen under whom he was employed
and the dismissal of the Petitioner under
such circumstances and previous to the issue
of the Charge then pending against him, was
in the opinion of the Fouzdaree Udalut altogether
unjustifiable.

13. The remarks introduced by
the late Acting Sessions Judge Mr Reade
into his proceedings of the 9th December
last regarding the general Character and
Conduct of the Principal Sudr Ameen were
obviously most objectionable and unbecoming.

Ordered

Ordered that Extract from these proceedings be sent to the Sessions Judge of Chingleput for Communication to the late Acting Sessions Judge and to the Principal Sudr Ameen for their respective information and guidance.—

Ordered also that Extract from these proceedings be forwarded to the Chief Secretary to Government for the purpose of being laid before the Right Honorable the Governor in Council.—

Ordered also that Extract from these proceedings (paras 1 to 11) be granted to the Petitioner on his application.—

(Sent on No )

Read letter under date the 16th May 1853 from the Acting Sessions Judge of Trichinopoly.

(Here enter—P. R. No. 1132 of 1853)

1

In the foregoing letter the Acting Sessions Judge has requested the instructions of the Court of Foujdaree Adalut as to the legality of the Sentence proposed by the Sessions Judge in Case No. 6 of 1853 on the file of the Sessions Court wherein both the prisoners and



and the Prosecutor have been required to produce Security to keep the peace.

The Court of Foujdaree Adalut

2

resolve to direct that the requisitions of Security made in this Case be cancelled the power of binding parties to keep the peace being confined to officers of the Magistracy to one of whom the prisoners in the Case referred to should have been forwarded by the Sessions Judge for the purpose, if he considered such a precaution necessary.—

Ordered that Extract from these proceedings be sent to the Sessions Judge of Trichinopoly by precept returnable within 14 days from and after its receipt.—

(Sent following precept &c.)

No return having been received from G. L. Greenway Esquire Sessions Judge of Trichinopoly to the precept of the Foujdaree Adalut under date the 7th Instant, calling for a specific reply to the allegations Contained in the Petitions addressed to Government by John Phillips late Sailor.—

Ordered that Mr Greenway be directed to make an immediate Return to

to the aforesaid Receipt.

(Sent in No. )

Read again Calendar of petty Cases disposed of by the Magistracy of Masulipatam during the 3d Quarter of 1852.

(Here enter F. R. No. 774 of 1853)

Read also return under date the 16th May 1853 from the Acting Session Judge of Masulipatam to the precept dated the 15th April 1853 calling for an explanation of the Circumstances which were considered to bring the Case No. 28 in the Calendar of persons Committed under the operation of Clause first Section III Regulation II of 1822.

(Here enter F. R. No. 1162 of 1853.)

1.

It appears from the foregoing return that the Statement of Charge in the Case referred to was incorrectly worded, and that the Charge should have been "Being a person of Suspicious Character."—

2.

The Court of Foujdaree Adalut direct that the Charge be amended the provisions of the law under which the requisition of Security has been made being altogether inapplicable to the specific Charge entered in the Calendar.—

Ordered



Ordered that Extract from these proceedings be forwarded to the Acting Session Judge of Masulipatam for Communication to the Magistrate.—

(Sent in No. )

Read the Criminal Reports Submitted by the Session Judge of Chittoor for the year 1852.—

(Here enter F. R. No. 1266 of 1853)

Appendix B to Statement No. 1. The Court of Foujdaree Adalut direct that the Acting Magistrate be required to furnish an explanation in regard to the detention of persons before the Heads of Police Peons Cutwallo &c.a for more than 30 days in the Column of Remarks.—

Dr. C to Statement No. 2. The number of persons from whom fines were levied and the number of those confined in default of payment Viz.t 3 do not correspond with the entries under head "Punished" minor Columns "Fined" and "Imprisoned and fined" of the Appendix A to Statement No. 2 (4).

Dr. C to Statement No. 3 B. The explanation in regard to the

Dr. B to Statement No. 4. Prisoners who have been detained for more than 30 days should in future be given in

in the Columns of Remarks of the Appendices noted in the Margin as concisely as possible.

Statement Shewing the nature and the result of Charges preferred against the Police.—

The Court have ruled under date the 17th May 1852 that the District Police officers not competent to dispose of Cases of Abuse of authority against the inferior officers of Police.

Ordered that Extract from these proceedings be sent to the Sessions Judge of Chittoor by precept returnable within III days from and after its receipt.—

(Sent following Receipt No.

Read Calendar of Case No. 37 of 1853 Submitted by the Sessions Judge of Bellary under date the 8th June 1853.—

(Here enter Ft. No. No. 1293 of 1853)

Read Calendar in Case No. 38 of 1853 Submitted by the Sessions Judge of Bellary under date the 9th June 1853.

(Here enter Ft. No. No. 1294 of 1853)

Read Calendar of Case No. 19 of 1853 Submitted by the Sessions Judge of Calicut under date the 9th June 1853

(Here enter Ft. No. No. 1295 of 1853)

Read



Read letter dated 11th June 1853 from the Subordinate Judge of Combaconum requesting the transfer of one Sick Convict to the branch Jail at Negapatam for Change of air

(Here enter Ft. No. No. 1297 of 1853)

Read Calendar of Case No. 19 of 1853 Submitted by the Sessions Judge of Cuddapah under date the 10th June 1853.—

(Here enter Ft. No. No. 1298 of 1853)

Read Calendar of Case No. 22 of 1853 Submitted by the Sessions Judge of Cuddapah under date the 11th June 1853.—

(Here enter Ft. No. No. 1299 of 1853)

Ed 18 Ct.

F. M.

Friday
17th June 1853 } At a Court of the Foujdaree Adalut.

Present.

Sgd/- G. L. Hooper Esquire
" H. A. Morehead Esquire } Puisne Judges
" T. L. Strange Esquire.

---

Read Miscellaneous petition presented on the 17th March 1853 by Narrain Pillay of Zillah Trichinopoly.—

(Here enter F. M. P. No. 42 of 1853)

Read also return under date the 27th May 1853 from the Acting Sessions Judge of Trichinopoly to the precept of the Foujdaree Adalut dated the 5th May 1853 conveying their preliminary Orders on the foregoing Petition.—

(Here enter F. M. No. 1200 of 1853)

It is clear from the return of the Magistrate submitted with the foregoing return by the Acting Sessions Judge that the Petitioner has grossly exaggerated the Circumstances that took place on the occasion of his house being erroneously searched by the

Mr. G. L. Hooper and Mr. H. A. Morehead.

the Puttoocottah Duffadar and that his fears of further molestation are altogether groundless.

2. The Court of Fouzdaree Adalut therefore decline to pass any further Orders in the matter.—

3. It is however to be regretted that the Magistrate did not act on the suggestion of the Head Assistant Magistrate, that the irregular Conduct of the Duffadar should be brought to the notice of the Political Agent.

Ordered that Extract from these proceedings be forwarded to the Acting Sessions Judge of Trichinopoly for Communication to the Magistrate.—

Ordered also that Extract from these proceedings be given to the Petitioner on his application.—

(Sent in No )

Read Extract from the Minutes of Consultation under date the 9th June 1853 No 532, Calling for further information in the Cases of Vandanaigum Pillay late Fouzdaree Translator and of Chinnamany Pillay late



late Savabnavis in the Zillah Court of Trichinopoly

(Here enter F. C. No 1223 of 1853)

The Court of Sudr and Fouzdaree Adalut resolve to direct that the Acting Sessions Judge will submit further explanation than is contained in the Statement of Servants dismissed Submitted by the Sessions Judge for the year 1852, in regard to the Case of Chinnamany Pillay late Savabnavis.

The Case of Vandanaigum pillay has been already referred for the Consideration of the Sessions Judge Mr Harris, who will be pleased to report on it with as little delay as possible after Assuming Charge of the Court.

Ordered that Extract from these proceedings be sent to the Acting Sessions Judge of Trichinopoly by precipt returnable within XX days from and after its receipt.—

(Sent following precipt &c )

Read Calendar of Case No 11 of 1853 of the Sessions Court of Trichinopoly.

(Here enter F. C. No 1243 of 1853)

The Court of Fouzdaree Adalut are of opinion that a Sentence of two years imprisonment

imprisonment with hard labor in irons will be
adequate punishment for the offence of which the
Ramasamy. Prisoner in this Case has been Convicted, and
they resolve to Call upon the Sessions Judge to re-
-duce his Sentence accordingly.—

2. If unable to Concur with the
Court in the propriety of the mitigated Sentence
now proposed, the Sessions Judge will be pleased
to Submit an English translation of the entire
record of the Case for their Consideration.—

Ordered that Extract from these
proceedings be Sent to the Sessions Judge of
Trichinopoly by precept returnable in X days
from and after its receipt.—

(Sent following precept No )

Read the Criminal Reports Sub-
-mitted by the Sessions Judge of Honore for the year 1852.

(Vide entries Jud. Dept. Nos 1209 of 1853)

Appendix C. to Statement No 1. The Court of Foujdaree Adawlut direct
Do. — D. to Statement No 2.

that the Magistrate be required
to furnish an explanation with regard to the persons
who have been detained before the Heads of Police
Ameens, Cutwalls &c. for more than 30 days
in the Columns of Remarks of the Appendixes
noted



noted in the Margin.—

The number of Cases in which
Statement No 2. 2. the persons entered in Column 9. heads 6 and
46 should be entered in Column 8.

3. 18 Separate Committals only
appear to have been excluded from Column
2 of this Statement whereas the entry in the Ap-
-pendix F. Column 16 opposite to head —
"Deduct Separate Committals" gives 19. the
Cause of the difference should be explained
by a note at the foot of this Appendix.—

Appendix B to Statement No 3 A. 4. The result of the 46
Sub Ameen Honore — persons entered in this Appendix
should be given in the succeeding Columns.

Do. A to Statement No 3 A Sub 5. The number of persons
Ameen Sirey — "Fined" and "Imprisoned and fined"
Viz. 62 do not Correspond with the number
under head "Fined" minor Columns "Fines levied"
and "Imprisoned in default of payment" (60)

Do. C to Statement No 3 B. 6. The Sessions Judge will
furnish an explanation of the Cause of the detention
of prisoners for more than 30 days in the Column
of Remarks of this Appendix.—

Do. B to Statement No 4. 7. The entry of one person in
Column 16. of the Statement as having died &c.

Should

should be excluded from this Appendix.-

8. The remarks in para 6 applies also to the Appendix.-

Statement showing the nature and the result of Charges preferred against the Police &c. 9. The Court have submitted under date the 17th May 1852 that the District Police officers are not competent to dispose of Cases of abuse of authority against the inferior officers of Police.

Ordered that Extract from these proceedings be sent to the Sessions Judge of Rajamundry by precept returnable within X days from and after its receipt.

(Sent following precept No )

Read Miscellaneous petition submitted by the Sessions Judge of Tinnevelly on the 9th May 1853 from Manemtant alias Mahomed Baker of the Zillah of Tinnevelly.

(Here enter F. R. No 69 of 1853)

The object of this Petition is to induce the Court of Foujdaree Adalut to send for the record of Case No 4 of 1853 on the file of the Sessions Court of Tinnevelly and to reverse the Sentence passed thereon.

2. The Prisoner was convicted of



of embezzlement, and sentenced to two years imprisonment and to pay a fine of 500 Rupees to the Prosecutor.

The Court of Foujdaree Adalut

3. See no grounds whatever for questioning the justice of the Sentence passed upon the Prisoner and therefore decline sending for the record.

Ordered that Extract from Tinnevelly these proceedings be sent to the Sessions Judge of for Communication to the Petitioner.-

(Sent in No )

Read letter under date the 13th June 1853 from the Sessions Judge of Nellore forwarding English translation of the record of Case No 46 of 1852 on the Calendar of the Sessions Court for the final Judgment of the Court of Foujdaree Adalut.-

(Here enter F. R. No 1318 of 1853)

The Court of Foujdaree Adalut on a deliberate consideration of all the circumstances of the Case in evidence before them, being of opinion, that the Prisoners

3d Gekala Vencatramadu,

and

4th Guvala Pitchivadu,

are

are not convicted on presumptive proof or on the evidence of credible witnesses or on their own Confession of the Crime Charged do acquit them thereof and direct that they be set at liberty.—

/Sent in &c/

Read report dated 11th June 1853 submitted by the Session Judge of Mangalore of persons apprehended and delivered to the Subordinate Judge and tried in the month of May 1853.

/Here enter D. R. No. 1314 of 1853/

Read letter dated 9th June 1853 from the Session Judge of Mangalore transmitting the death warrant in Case No. 7 of 1853 and Copy of the Subordinate Judges' letter informing that the execution of Paulo the prisoner in the said Case took place on the 8th Instant.—

/Here enter D. R. No. 1315 of 1853/

Read return dated 9th June 1853 from the Session Judge of Mangalore to the precept of the Foujdaree Adalut under date the 31st May 1853 on review of the Calendar of Case No. 8 of 1853, calling upon that Officer to state the grounds upon which the Prisoner in the said Case was held guilty

/Here enter D. R. No. 1316 of 1853/



Read Calendar of Case No. 9 of 1853 Submitted by the Acting Session Judge of Nellore under date the 13th June 1853.—

/Here enter D. R. No. 1319 of 1853/

Read Criminal reports dated 14th June 1853 Submitted by the Session Judge of Chingleput for the Month of May 1853.—

/Here enter D. R. No. 1326 of 1853/

E.P.
E.P.

Ft. Vo.

Monday 20th June 1853. } At a Court of the Foujdaree Udalut

Present.

G.S.K. G. S. Hooper Esqr.
W.A.M. W. A. Morehead Esqr. } Puisne Judges
H.L.S. H. L. Strange Esqr.

Read letter under date the 25th May 1853, from the Acting Session Judge of Trichinopoly, submitting the annual Criminal Statement for the year 1852.

(Vide letter Ft. Vo. No 1491 of 1853)

In proposition made by the Magistrate in his letter of the 20th January last, for an increase to the Salary of the Police Ameen of Gondoolay should be submitted to Government through the Board of Revenue.

Ordered that Extract from these Proceedings be sent to the Session Judge of Trichinopoly, for communication to the Magistrate.

(Sentence Vide )

Read letter under date the 4th June 1853, from the Principal Sudder Ameen of Cuddalore requesting sanction for the admission as an approver, of a prisoner named Sapien in Case No 50

of

of 1853, on the file of this Court.

(Here enter F. No. N°726 of 1833)

The Court of Sunjdarce Udalut, declare to sanction the admission as an approver of the prisoner referred to in the Principal Sudr Ameen's letter, there being two witnesses who depose to the identity of the 1st and 2nd prisoners in the Case.

Ordered that Extract from these Proceedings be sent to the Principal Sudr Ameen of Cuddalore for his information.

(Sentence N°)

Read Copy of the Calendar in Case N°XVIII of 1833, submitted by the Sessions Judge of Calicut.

(Here enter F. No. N°729 of 1853)

1 In this Case the prisoner was charged with gang robbery with violence, and having in his possession stolen property with a guilty knowledge.

2 The Sessions Judge directed his release, concurring with the Mahomedan Law Officer in considering the evidence insufficient to commit him.

3



The Court of Sunjdarce Udalut observe, that the remarks recorded in the Calendar by the Sessions Judge, should have gone into the merits of the Case, and shown in what respects the evidence was considered insufficient for the conviction of the prisoner.

Ordered that Extract from these Proceedings, be forwarded to the Sessions Judge of Calicut, for his information and future guidance.

(Sentence N°)

Read Criminal report dated 31st Ultimo, submitted by the Sessions Judge of Coimbatore, for the Months of May 1853.

(Here enter F. No. N°1334 of 1833)

Read Criminal report B dated 16th Instant, submitted by the Acting Sessions Judge of Cuddalore for the Months of May 1833

(Here enter F. No. N°1335 of 1833)

Read Calendar of Case N°18 of 1853, submitted by the Sessions Judge of Bellary under date the 14th Instant.

(Here enter F. No. N°1344 of 1833)

Read Calendar of Case N°18 of 1833

1853, Submitted by the Sessions Judge of Trichinopoly under date the 14th Instant.

(Here enter F. Cs. N° 1342 of 1853)

Read report dated 15th Instant, Submitted by the Acting Sessions Judge of Madura of Cases pending before him on the 30th April 1853 and committed for trial during the Months of May 1853.

(Here enter F. Cs. N° 1348 of 1853)

Read Criminal report B dated 9th Instant, Submitted by the Principal Sudr Ameen of Tillicherry, for the Month of May 1853

(Here enter F. Cs. N° 1349 of 1853)

F. Cs.

Tuesday 21st June 1853

At a Court of the Foujdaree Adawlut

Present

G.S. Hooper Esqr
W.A. Morehead Esqr
T.L. Strange Esqr
} Puisne Judges

Read Criminal report for the Months of April 1853 Submitted by the Sessions Judge of Coimbatore under date the 30th April 1853.

(Here enter F. Cs. N° 1195 of 1853.)

N° 63.

In this Case the prisoner who appears to have escaped from Custody previously during Examination on a Charge of arson, was Sentenced by the Principal Sudr Ameen to receive 6 lashes under Clause 3d Section V. Regulation VI of 1822.

The Court of Foujdaree Adawlut observe that the Clause quoted, does not authorize the infliction of lashes but only of imprisonment, and they direct that if still unprecedented, this Sentence shall not be carried out.

Ordered

Ordered that Extract from the Proceedings be forwarded to the Sessions Judge of Coimbatore for his information and guidance and for communication to the Principal Sudr Amen.

( Sent in No )

Read letter from the Sessions Judge of Coimbatore dated 2nd June 1853.

( Here enter F. Cs. No. 7256 of 1853 )

1.
In the above letter the Sessions Judge reports the escape of a Convict under requisition of security from Coimbatore jail and states that he has instituted an enquiry into the mode and causes of the escape.

2
The Court of Foujdaree Udalut direct that the Sessions Judge will upon its completion, report the result of the enquiry for their information.

Ordered that Extract from these Proceedings be sent to the Sessions Judge of Coimbatore for his information and guidance.

( Sent in No )

Read report of Cases committed for



for trial before the Sessions Court of Calicut during the Month of April 1853 and pending on 30th April 1853

( Here enter F. Cs. No. 7258 of 1853 )

The Court of Foujdaree Udalut

1
observe that the prisoners in Nos. 20 and 22 on the file of the Sessions Court contained in the above report had at the date of its dispatch been detained more than a month after their commitment without being brought to trial.

They resolve to call upon the

2
Sessions Judge to dispose of these Cases without delay and to use greater exertion in the disposal of Criminal Cases in future.

Ordered that Extract from these proceedings be sent to the Sessions Judge of Calicut for his information and guidance.

( Sent in No )

Read return dated the 16th Instant from the Sessions Judge of Chingleput to the Precept of the Foujdaree Udalut under date the 15th June 1853, directing the release of the Prisoners in Case No. 33 of 1852 on the Calendar of the Sessions Court of Chingleput.

( Here enter F. Cs. No. 7354 of 1853 )

Read

21 21 June 1853

Fr. Cts.

21 21 June 1853.

Read report dated the 15th Instant
submitted by the Sessions Judge of Madura, of the
Labor of Convicts on the Jail at Tamulcotta.
(Here enter Fr. Cts. No. 1358 of 1853)

Read letter dated the 13th Instant
from the Sessions Judge of Tellicherry intimating
that the Statements required in Paras 1 and 5 of the
letter from the Acting Register to the Court of
Foujdaree Udalut under date 1st April 1853, will be
forwarded immediately on their receipt from the
Magistrates offices.
(Here enter Fr. Cts. No. 1359 of 1853)

Read letter dated 13th Instant
from the Agent to the Governor at Rumnad, reporting
the death on the 11th June 1853 of a prisoner named
Mungalu Vencatagada in Case No. 16 of 1853)
Here enter Fr. Cts. No. 1365 of 1853

Read report dated 1st Instant
Submitted by the Sessions Judge of Salem, of Offences
apprehended and delivered to the Magistracy in the
Month of May 1853.
(Here enter Fr. Cts. No. 1368 of 1853)

Read Calendar of Cases No. 21 of
1853 submitted by the Sessions Judge of Canara
under date the 18th Instant
(Here enter Fr. Cts. No. 1371 of 1853)

Read Criminal Report
dated 1st Instant from the Acting Sessions Judge
of Nellore for the Month of May 1853.
(Here enter Fr. Cts. No. 1373 of 1853)

Read Calendar of Cases No. 21 of
1853 submitted by the Sessions Judge of Canara
under date the 15th Instant
(Here enter Fr. Cts. No. 1375 of 1853)

Ex HD

F. 16.

Wednesday 22nd June 1853 } At a Court of the Fenajdaree Adalut

Present

Gl. G. S. Hooper Esqr
W. A. Morehead Esqr
W. J. L. Strange Esqr
} Puisne Judges

Read Calendars of Cases Nos 9 and 10 of 1853 on the file of the Sessions Court of Chittoor.

(Herein the F. 16. Nos 1240 & 1241 of 1853)

The Court of Fenajdaree Adalut

Concur with the Sessions Judge that the sentences to which the 1st prisoner in these Cases has been adjudged may with propriety be reduced, and they accordingly resolve to sanction & mitigate the sentence of seven years imprisonment with hard labor in irons, being of opinion that with reference to the nature of the Crime of which the prisoner has in each Case been convicted, a less severe sentence would be insufficient to meet the demands of justice.

Ordered that Extract from these Proceedings be sent to the Sessions Judge of

of Chittoor for his information and guidance.

( Sent in No. )

Translations of the Records in Case Nos. 2 and 3 of 1853 on the file of the Sessions Court of Chingleput not having as yet been received;

Ordered that the Sessions Judge of Chingleput be called upon to submit the same without delay.

( Sent in No. )

Translations of the Records in Cases Nos. 3 and 9 of 1853, on the file of the Sessions Court of Calicut not having as yet been received;

Ordered that the Sessions Judge of Calicut be called upon to submit the same without delay.

( Sent in No. )

Translations of the Records in Cases Nos. 48, 69, 70, 72, 74 & 87 of 1852 and of 1853 not having as yet been received;

Ordered that the Sessions Judge of Cuddapah be called upon to submit the same without delay.

( Sent in No. )

Hy. J. R. Ramsay

Thursday
23d June 1853

J. Uc.

At a Court of the Foujdaree Udalut

Present

G. S. Hooper Esquire
W. A. Morehead Esquire
T. L. Strange Esquire
} Puisne Judges.

Read letter dated 15th June 1853 from the Session Judge of Calicut submitting for the final Judgment of the Foujdaree Adalut the Record of case No. 6 of 1853 of the Calendar of the Session Court.

Here enter No. 1384 of 1853.

Read also return dated 4th May 1853 from the Subordinate Judge in charge of the Session Court of Calicut, to the precept of the Foujdaree Udalut under date the 12th April 1853, directing the submission of an English Translation of the entire record of Case No. 6 of 1853.

Here enter No. 1057 of 1853.

The Court of Foujdaree Udalut, on a deliberate consideration of all the circumstances of the case in evidence before them, being of opinion that the proof against the prisoner.-

2nd. Kanaka Reckan.

is sufficient to convict him of the crime of Gang

Mr. T. L. Strange.

Gang Robbery and that against the prisoner

3rd Eyoonen Vellen

to convict them of having received stolen property knowing it had been acquired in the perpetration of Gang Robbery, do convict them severally thereof and under the provisions of clauses third and fifth Section IV Regulation XV of 1803, and section XX Act VII of 1843, sentenced the prisoner

2d Kanakia Reckan

to be imprisoned and kept to hard labor in irons on the public roads or other public works for the period of (14) fourteen years. and under the provisions of clause second Section IV Regulation VII of 1822, sentenced the prisoner

3rd Eyoonen Vellen

to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of (7) seven years.

And being of opinion that the prisoner

1st Kanakia Cheroomen Cherkian

not convicted on presumptive proof or on the evidence of credible witnesses or on his own confession of the crime charged, do acquit him thereof and direct that he be set at liberty.

(Sent in Nº )

23 Dec 2 Dec

23 Dec



# J. H.

Friday . . . . } At a Court of the Foujdaree Adalut.
24th June 1853.

Present

Mr. G. S. Hooper Esquire.
Mr. W. A. Morehead Esquire } Puisne Judges
Mr. T. L. Strange Esquire

Read letter dated 17th June 1853.

from the Sessions Judge of Mangalore submitting for the final Judgment of the Foujdaree Adalut the Record of Case Nº 9 of 1853 of the Calendar of the Session Court.

/ Here Enter J. H. Nº 1395 of 1853 /

Mr. G. S. Hooper.

The Court of Foujdaree Adalut on a deliberate consideration of all the circumstances of the case in evidence before them being of opinion that the proof against the prisoners,

1st Abboo
2. Cheya
3. Dodda Pully
and
4th Oochia

is sufficient to convict them of the crime charged, do convict them thereof, and under the

the provisions of Clauses Third and Fifth, Section IV. Regulation XV of 1803, and Section XXXIV Act VII of 1843, sentence them to be imprisoned and kept to hard labor in irons on the public roads or other public works for and during the period of /10/ Ten years.

/ Sent in Do. /

Read return under date 11th February 1853 from the Acting Sessions Judge of Nellore to the precept of the Foujdaree Adalut under date the 8th February 1853 directing the unconditional release of the Prisoner in Calendar No 44 of 1852.

/ Here Enter F.H. No. 404 of 1853 /

Read return dated 8th February 1853 from the Sessions Judge of Calicut to the precept of the Foujdaree Adalut under date the 31st January 1853 conveying their observation on the Criminal Report B. from the Subordinate Judge of Calicut for December 1852, and directing the Sessions Judge to send a copy of his proceedings dated 15th December in Case No. 245.

/ Here Enter F.H. No. 405 of 1853 /

Read



Read return dated 8th February 1853 from the Sessions Judge of Calicut to the precept of the Foujdaree Adalut under date the 31st January 1853, conveying their Observation on Calendar in Case No 68. of 1852, and stating that they are of opinion that the sentence passed on the 1st and 4th Prisoners may be reduced to one year, and that of the 2d and 3d Prisoners to 6 months imprisonment with hard labor in irons.

/ Here Enter F.H. No. 406 of 1853 /

Read Calendar in Case No 78 of 1852 submitted by the Sessions Judge of Cuddapah under date the 10th February 1853.

/ Here Enter F.H. No. 410 of 1853 /

Read Report B. dated 13th April 1853 submitted by the Sessions Judge of Mangalore of Persons apprehended in the Zillahs, and delivered to Subordinate Judge and tried in the month of march 1853.

/ Here Enter F.H. No 884 of 1853 /

Read Report dated 10th May 1853 submitted by the Subordinate

Criminal

24th June 1853.

Criminal Judge in charge of Cuddapah,
of Cases pending on the 31st March and
Committed for trial during the month of
April 1853.

/Here Enter F.R. No. 1086 of 1853/

Read return dated 10th June
1853 from the Session Judge of Bellary
to the precept of the Foujdaree Adalut
under date the 31st May 1853, returning
some of the Criminal Statements for 1852
for amendment.

/Here Enter F.R. No. 1311 of 1853/

&c &c &c

F.R.

Saturday
25th June 1853. } At the Court of Foujdaree Adalut

Present

Mr. G. P. Cooper Esqre — Puisne Judges.
Mr. W. A. Morehead Esquire —
Mr. T. L. Strange Esquire —

Read letter under date the 11th
June 1853 from the late Acting Sessions Judge
of Trichinopoly.

/Here Enter F.R. No. 1305 of 1853/

In the foregoing letter the late Acting Sessions Judge Mr. Swinton,
adverting to the censure passed by the
Court of Sudr Adalut in their proceedings
of the 8th Instant upon the general tenor
of the returns made by him to the Court's
precept of the 28th April last in the matter
of Vadanaigum Pillay late Foujdaree
Translator in the Sessions Court, requests
to be informed in what way his return was
deemed by the Court to be "highly indecorous
and in every way objectionable", whether
the terms used by the Court have reference
to his sentiments, or to his languages. and to
to what particular sentiments or expressions
they apply.

&c

2

Mr Swinton professes himself unable to see the applicability of the terms above adverted to, but at the conclusion of his letter referring to the intimation made to him that a repetition of similar observation in his official communication would compel the Judges to report his conduct to Government, he expresses his hope, that the Governor in Council will view as not a very venial error, expressions rather stronger than the usual Official routine may authorize into which a zealous Officer may have been betrayed in his honest endeavours to carry a great public wish.

3. The foregoing remark is somewhat inconsistent with Mr Swinton's professed inability to discover the impropriety of the expressions in his return, to which the Comments of the Court of Fouzdaree Adawlut has reference.

4. The passages in the return to which the remarks of the Court had more especial reference, are as follows.

1st that in the 5th para where Mr Swinton observed, that "the Petitioner has now again appeared



"appeared before the Judges of the Court
"of Fouzdaree Adalut under the shadow of
"Mr Cuchterlony's wing, and a new interest
"appears to have sprung up in his behalf
"in the minds of the Judges"

2d the remarks in the 12th para that "if
this last objection is not of itself held
sufficient a newer Code of moral Ethics
must prevail at the Presidency than any
the Acting Sessions Judge is acquainted with.
at least a similar indulgence should in
justice be accorded to all others when the
evils of such a system would be seen in
perfection

3d The tone of the 15th para is also very objectionable, and the term applied by Mr Swinton in the 14th para to Mr. Greenway's conduct, in regard to the appointment of the present acting Fouzdaree Translator, was very uncalled for and unbecoming.

4th The Return now under notice, is not the only instance in which the Court have had occasion within the last few weeks to animadvert on the disrespectful tenor of Mr Swinton's official communications, which they can only attribute to an overweening sense of the superiority

of

of his own judgement, in matter in which he was bound by Law, to conform to the orders of the Higher Court.

Ordered, that Extract from these Proceedings be forwarded to G. M. Swinton Esqr. late Acting Sessions Judge of Trichinopoly for his information and future guidance -

/ Sent in Rc /

Read the Criminal Reports submitted by the Acting Sessions Judge of Trichinopoly for the year 1852.

/ Were Entered T. C. Rc 1191 of 1853 /

Statement No 2.

1. In Columns 5 and 7 of this statement only 1 Case including 2 persons is entered as being under trial on the 1st January 1852, while the Statement for 1851 shows that 2 cases including 3 persons were pending on the 31st December 1851.

Appendix D to No 2.

The Court direct, that the Magistrate be required to furnish in the Column of Remarks, an Explanation in regard to the detention of persons before him and his apprehension for more than 30 days.

D. A to Statet. No 3 A

3. The number of persons "Imprisoned and Fined" Digit 15, does not correspond with the entry in Column 13 of the Statement No 3 A (14).

In



4. In Columns 4 and 5 of this statement, 1 Case including 4 persons is entered under head 2, as received from the Magistracy, whereas columns 34 and 35 of the Statement No 2, shew that 2 Cases including 7 persons were forwarded by the Magistracy.

5. In Columns 6 and 7 - 4 Cases including 12 persons are entered under head 33 as received from the District Police, while Columns 16 and 17 of the Statement No 2 show that only 3 Cases including 7 persons were sent up by the Police -

6. The 2 Cases referred to in the foot note as having been sent to the Principal Sudr Ameen by the District Moonsiff of Ariyalore and which are now entered in Column 6 heads 19 and 41, should be transferred to the appropriate Column 10.

7. The remark in para 6 of these proceedings applies also to the entry of one case in Column 4 head 66, which is stated to have been sent to the Principal Sudr Ameen by the Sessions Judge.

M/s. A to Statt. No 3 B

8. The aggregate number of persons in Columns "Fined" "Imprisoned" "Imprisoned and Fined" and "Imprisoned & flogged" "Digit 27 does not correspondent with the entry in

in Column 24 of the Statement No. 3B (25).

App: C to State No 3B 9. The Sessions Judge will furnish an Explanation of the cause of the detention of prisoners for more than 30 days in the Column of Remarks -

Statement No 4 10. In Columns 4 and 5 of this statement 1 Case including 3 persons is entered under head 2 as Committed by the Principal Sudr Ameen, while no entry is made under that head in Columns 25 and 28 of the Statement No 3B.

11 In Columns 4 and 5 15 Cases including 77 persons are entered under head No 50, whereas the entries under the same Columns 25 and 28 of the Statement No 3B show only 14 Cases and 75 persons.

12. The 3 Cases returned to the Principal Sudr Ameen and which are now separately exhibited in a Column opened for that purpose, should be entered in Column 10 "Remanded" in the same manner as was done by the Principal Sudr Ameen, but the Sessions Judge will explain the cause of the latter Officer having entered in Column 8 of his Statement only 2 out of the said 3 Cases -

13 The Column 22 should exhibit the number of Cases and not the persons -

The



App A to Statement No 4 14. The number of persons "Imprisoned" and "Imprisoned and flogged" Vide 22 does not correspond with the entry in Column 15 of the Statement No 4 (39) -

App B to do 15. The entry of one person in Column 20 of the Statement as being under trial should be excluded from this appendix -

16. The remark in para 9 applies also to this appendix -

Statement shewing the nature and the amount of charges preferred against the Police - 17 The Columns 16. 17. 19 and 22 should exhibit the entries under head 2 of the Statements No 3 B and 4 -

18. In this Statement the foot note required in para 2 of this Courts letter dated 1st April 1853 should be added -

19. The following entries require to be amended as noted in pencil in the Statement -

Those in Columns 6. 9. 10 & 13 head "Petty Offences" and in Columns 5. 11. 12 and 15 head "Crimes and Misdemeanors" -

Also those in Columns 2. 3.

Comparative Abstract Statement - 20

Statement shewing the Cases involving grave injury for 1852. Do Do for 1851. 21. 7. 8. 9. 10. 13 and 14 -

Also the entries in Columns 8. 9

22. 13 & 14. The entries in Columns 16 & 24

23. in the Statements shewing the Cases involving grave

grave injury the Sessions 1852 and 1857 will require alterations consequent on the foregoing amendment.

Comp: State of Crimes & Offences committed during the years 1851 & 1852

The submission of the Statements noted in the margin is hereafter unnecessary.

Statements detailing the Cases disposed of by the Police & Magistracy.

25.

The number of errors in the foregoing Statements reflects most seriously on the efficiency of the ministerial servants of the Court.

Ordered, that Extract from these Proceedings be forwarded to the Sessions Judge of Trichinopoly by precept returnable within 7 days from and after its receipt.

Sent following Precept &c

Read Miscellaneous Petition presented on the 11th May 1853 by Soobbummah of the Zillah of Chittoor.

/Here Enter P.R. No. 71 of 1853/

Read also Miscellaneous Petition presented on the 11th May 1853 by Sreenivasa Chunnabee of the Zillah of Chittoor.

/Here Enter P.R.P. No. 70 of 1853/

Read also Miscellaneous Petition presented on the 28th May 1853 by Goroonadhem Chitty of the Zillah of Chittoor.

/Here Enter P.R.P. No. 76 of 1853/

The object of these petitions is to induce the Court of Tanjore Vadalut



to call again for the record of Case No. 26 of 1852 on the file of the Sessions Court of Chittoor and to order the release of the 1st 3d and 4th Prisoners therein convicted of causing a document to be forged and aiding and abetting in the same.

The Court of Tanjore

2.

Vadalut having already had the entire record of the case in question before them and fully considered the same, concurred with the Sessions Judge in the conviction of the Prisoner and passed sentence upon them accordingly and as these Petitions contain nothing which would induce them to take a different view of the case they resolve to reject them.

Ordered that Extract from these Proceedings be forwarded to the Sessions Judge of Chittoor for his information and for communication to the Petitioners.

/Sent in &c/

Read return dated 24th May from the Acting Sessions Judge of Trichinopoly to precept of Court of Tanjore Vadalut dated 20th May directing the Acting Sessions Judge to report upon Miscellaneous Petition

25th June 1853.

Petition No. 27 of 1853.

/Here Enter P.M. No: 1190 of 1853/

Read again Miscellaneous Petition presented on the 14th april 1853 by Vencatachellum late Black smith attached to the Jail of Trichinopoly.

Here Enter P.M. No 27 of 1853

1. The petitioner complained of his unjust dismissal by the Session Judge from his employment as black smith in the goal at Trichinopoly.

2. Under the explanation submitted by the Acting Session Judge, the Court of Foujdaree Adalut are of opinion that petitioner's dismissal was fully merited, and they decline to interfere in the matter.

Ordered, that Extract from these proceedings be forwarded to the Acting Session Judge of Trichinopoly for his information.

/Sent in No/

Ordered also, that Extract from these Proceedings be furnished to the Petitioner on his application.

Read

25th June 1853.

Read the Criminal Reports submitted by the Session Judge of Calicut for the year 1852.

/Here Enter P.M. Nos 927 & 1351 of 1853/

Statement 2. 1. The entry of one person referred to in the foot note as having been sentenced by the Magistracy under Act VII of 1843 and subsequently committed to the Criminal Court under Orders of the Sessions Court should be excluded from Column 37 head 28.

The foregoing remark will

Appendices A D and G to Statement No 3B Sub Court at Calicut & Appeals Court at Cochin 2. apply to the entries in these appendices.

In Columns 4 and 5 of these Statements 8 Cases including 34 persons are entered as received from the Magistracy, while Columns 34 and 35 of the Statement No 2 shew that 9 cases including 34 persons were forwarded to the Subordinate Criminal Courts.

3. The 7 persons entered in the Statement as having died should be excluded from this appendix.

Appendix B to State. No 3B Sub. Court Calicut.

4. In Column 4 of this Statement

Statement No 4 5. only 66 Cases are entered as committed whereas Column 25 of the Statements furnished by the

by the Subordinate Judge and Principal Sudr Ameen shew that 68 Cases were forwarded by them.

Comparative abstract Statement

The entries in Columns 2. 3. & 25 under head "Crimes and Misdemeanors" require amendment.

Statement shewing the Cases involving grave injury &c for 1852.

The entries in Columns 2 & 3 of this Statement should be 24 & 5.

8.

The entries in Columns 18 to 24 will be affected by the foregoing remark.

do- do- for 1851. 9.

The entries in Columns 2. 3. and 18 of this Statement should be 31. 5 and 1 and the entries in Columns 18 to 24 will consequently require alterations.

Statement shewing the nature and the nature of charges preferred against the Police.

10.

The Court have ruled that the District Police Officers are not competent to dispose of Cases of abuse of authority against the inferior Officers of Police.

Ordered, that Extract from these Proceedings be sent to the Sejeion Judge of Calicut by precept returnable within 5 days from and after its receipt.

/ Sent following precept No /

Read letter under date the 31st ultimo from the Agent to the Governor of Fort St. George at Kurnool submitting for the

final



final Orders of the Tanjore Udalut a report on the trial of Case No 17 of 1853 on the file of his Court.

/ Here Enter F. H. No 1252 of 1853 /

The Prisoners in this Case

1.

have been tried for the crime of Housebreaking and theft by day, and the Agent being of opinion that the charge has been fully proved, recommends that the 1st Prisoner Vanoogopala Row, be sentenced to 7 years, and the 2nd Prisoner Moochala Boseyadoo to 4 years imprisonment under Section XII Regulation VII of 1802.

The Court of Tanjore

2.

Udalut concur in the conviction of the above Prisoners, and accordingly direct that the 1st Prisoner be sentenced to 7 years, and the 2nd Prisoner to 4 years imprisonment with hard labor in irons under the provisions of the Regulation above quoted.

The Agent will be pleased

3.

to state in future, the nature and estimated value of the articles produced by, or discovered in the possession of a Prisoner charged with robbery or theft.

Ordered, that Extract from these Proceedings be forwarded to the

Agent

Agent to the Governor of Fort St. George at Kurnool for his information.

/ Printed No. /

Circular Proceedings

1.

Adverting to the approaching abolition of the Office of Foujdar Sudr Ameen and the additional labor which will thereby be entailed on the Officers presiding over the Subordinate Criminal Courts, the Court of Foujdaree Adalut resolve to recall the instructions conveyed in their proceedings of the 14th January last, directing that as a general rule whenever the Magistrate or his Assistants may be residing at the zillah station all cases cognizable by those Officers under the extended powers vested in them by Section LIV Act VII of 1843, should be forwarded from the Talooks for trial before the Subordinate Criminal Courts.

2.

The orders in question were issued in consequence of lengthened and unnecessary delay observed by the Court in the disposal of cases forwarded to the zillah station by native Police officers for trial before officers of the Magistracy,

whose



whose departure into the interior of the District previous to the arrival of the Case, led to the parties and witnesses being subjected to much unnecessary detention and fatigue in following that Camp of the Officer in whose name the Commitment had been made.

It is obviously most necessary

3.

that delays of this nature should not be permitted to occur. but it appears to the Court of Foujdaree Adalut that they may be easily prevented, by the adoption of due precautions on the part of the Magisterial authorities, in issuing orders to the native Police Officers so as to prevent the commitment of such cases being made to Officers not present and prepared to enter upon the trial immediately upon the arrival of the Case.

It is at the same time a

4.

matter of much importance with a view to relieve the files of the Subordinate Criminal Courts, that the extended powers vested in the Magistracy should be more extensively exercised, than has hitherto been the practice. and the Court accordingly

accordingly resolve to direct, that the several magistrates will arrange, for the disposal either by themselves, or by their assistants, of a due proportion of the cases cognizable by them concurrently, with the Subordinate Criminal Courts under the enactments above quoted - both when present at the Zillah station, and during their periodical tours through the Districts under their charge.

5. The Court of Foujdaree Adalut are fully aware, that the Magisterial Officers of this Presidency on their periodical progresses through their Districts have a considerable portion of their time taken up in the performance of their Revenue duties; but it will often happen, especially in distant Talooks, that the brief delay which may thus unavoidably occur in the disposal of a case forwarded by the Police Officer of the Talook in which the Magistrate is residing, will be far preferable to the more lengthened detention and inconvenience to the parties which would result from the commitment of the case to the Subordinate Criminal Court, and as a Magistrate on the occasion of these periodical tours is usually accompanied by an



assistant, the time of the latter Officer might be advantageously employed in the trial of cases of the nature of those referred to.

6. When the Magisterial Officers may be permanently located at a distance from the Zillah station, it will obviously be most conducive to the speedy administration of justice, that he should exercise the powers vested in him by the act, in all cases which it may be practicable conveniently with his other duties.

Ordered, that Extract from these Proceedings be forwarded to the Sessions Judges for their information and for communication to the Magistrates for their information and guidance.

Sentence No.

Read Miscellaneous Petition presented by Seva Naidan a toddy renter, complaining that the Sessions Judge of Tinnevelly has reversed a Sentence passed by the Principal Sudr Ameen in No. 30 of 1853, upon certain persons accused of illegally drawing toddy without his (the renters) License, and acquitted them; and asking that the said individuals should

should be punished for the offence in question.

/Here Enter F.M.R. No. 66 of 1853/

Read also Extract from the Proceedings of Sessions Court of Tinnevelly under date 9th April 1853.

Mr. F. F. Strange 1.

In the above Extract from the proceedings of the Sessions' Court, the Sessions Judge reverses the decision of the Principal Sudr Ameen who had fined the Prisoners in Criminal No. 30 of 1853 under Clause ninth Section VI Regulation I of 1820, for drawing toddy from the trees of a third party, but which they tenanted subject to the prosecutors' license.

2.

In reversing the sentence, the Sessions Judge remarks, that the Regulation quoted applies solely to the illicit distillation and sale of toddy, and that Section VII of the Regulation expressly authorizes the drawing of toddy from trees on land in the drawers occupation

3.

The Court of Tanjore entirely agree with the Sessions Judge in his construction of the Regulation, and resolve to dismiss this petition.

Ordered



Ordered that Extract from these Proceedings be forwarded to the Sessions Judge of Tinnevelly for his information and that copy be furnished to the Petitioner on his application.

/Sent in No /

Read letter dated 13th Instant from the Sessions Judge of Chittoor, forwarding the Statements required in para 1 of this Courts letter dated 1st April 1853.

(Here Enter F.M. No 1308 of 1853)

The entry in Column 9 of this

Statement shewing the Cases involving grave injury to person or property &c. for 1852.

1.

Statement should be 469.

The entries in Columns 3. 9 and

0 0 for 1851. 2

15 of this Statement should be 3. 266 and 2.

The foregoing remarks will

3.

affect the entries in Columns 16 to 34 of the Statements noticed above.

Ordered that Extract from these Proceedings be forwarded to the Sessions Judge of Chittoor, by precept returnable within 5 days from and after its receipt.

/Sent following precept No /

Read again Miscellaneous Petition presented on the 18th April 1853 by Soundarlony Esqr. Vakeel on behalf of Godavoo

See Common

Seetanunah of Zillah Nellore.

/Here Enter P.M.P. No. 57 of 1853/

Read also Return under date the 13th May 1853 from the Magistrate of Nellore, to the precept of the Tonjdaree Adalut dated the 14th May 1853 conveying their preliminary Orders on the foregoing Petition.

/Here Enter F.H. No. 1176 of 1853/

It appears from the Magistrate's Return that no application was made for copies of the documents referred to by the Petitioner, as is asserted in his Petition. attested copies of the documents in question will be furnished to the Petitioner on his applying to the Magistrate for the same.

Ordered, that Extract from these Proceedings be forwarded to the Magistrate of Nellore for his information.

/Sent in Ps/

Ordered also, that Extract from these Proceedings be granted to the Petitioner's Vakeel on his application.

Read Miscellaneous Petition presented on 4th May 1853, by Ramachunnamah and another of the Zillah of Chingleput.

/Here Enter P.M.P. No 68 of 1853/

Mr. J. L. Strange.

The

25th June 1853

The Court of Tonjdaree Adalut

inform the Petitioner, that the case referred to having been disposed of in their proceedings under date the 7th May 1853, no further orders are called for.

Ordered, that Extract from these Proceedings be furnished to the Petitioner on their application.

Read letter under date the 10th June 1853 from the Sessions Judge of Salem.

/Here Enter F.H. No. 1289 of 1853/

The Court of Tonjdaree Adalut

1. resolve to direct that the Subordinate Judge be referred to the provisions of Section II Regulation XXII of 1802, wherein it is clearly laid down, that in all cases in which objection is offered by a Zillah Judge to the precept of a Provincial Court of Appeal or of a Court of Circuit, may be overruled by the latter Court - it is the duty of the Zillah Judge to carry out the orders received by him, with the option if subsequently referring the case for the decision of the Court of Sudr and Tonjdaree Adalut, in the event of the difference of opinion between the two authorities having reference to

the

the construction of a Regulation.

2. This enactment is clearly applicable to the Session Courts and Subordinate Courts which have taken the place of the Provincial and Zillah Courts.

Ordered that Extract from these Proceedings be forwarded to the Session Judge of Salem for his information & for communication to the Subordinate Judge.

4th W.W. / Sent in No. /

Read Miscellaneous Petition submitted on the 2d May 1853 by the Sessions Judge of Rajahmundry from M. Venkamma

/ Here Enter P.P. No. 65 of 1853. /

1 The object of this petition is to induce the Court of Tanjore Udalut to call for the record of Petitioners trial in case No. 12 of 1852 on the file of the Sessions Court of Rajahmundry to order her release and the restoration of the Jewels which she was convicted of stealing and sentenced to 3 years imprisonment.-

2 The Court of Tanjore Udalut can discover nothing in this petition to induce



induce them to call for the record in question.-

3 This petition is therefore dismissed.

Ordered that Extract from these Proceedings be sent to the Session Judge of Rajahmundry for communication to the petitioner.-

(Sent in No. )

4th W.W.

Monday

27th June 1853

F. U.

Act a Court of the Foujdaree Udalut.

Present

G. S. Hooper Esqre.
W. A. Morehead Esqre. } Puisne Judges.
T. L. Strange Esqre.

Read letter under date the 9 June 1853 from the Session Judge of Salem.

Here under F. U. No. 1284 of 1853.

In the foregoing letter the Session Judge at the instance of the Subordinate Judge has referred for the opinion of the Court of Foujdaree Udalut the question whether a Sepoy sentenced by a Military Court Martial to six months imprisonment who effected his escape from a Military guard within the limits of the Salem Zillah when on his way to the Zillah Jail at Salem for the purpose of undergoing the sentence passed upon him can be tried for the escape by the Subordinate Criminal Court.

The Subordinate Judge argues,

2.

that the escape having been effected from a Military Guard

Guard and before the prisoner had been made over to the Civil power, is not cognizable by the Civil tribunals and in support of his opinion he adverts to the fact that the guard from whom the prisoner effected his escape, if guilty of carelessness or connivance, would under the provisions of section VII Regulation I of 1810 be amenable only to Military Law.

3. The Court of Foujdaree Udalut are clearly of opinion that the offence referred to is cognizable by the Subordinate Criminal Court under the provisions of Clause Second section V Regulation VI. of 1822.- The prisoner having been discharged the army in consequence of the sentence passed upon him. became amenable only to the Civil Tribunals for any offence committed by him and the fact of his guards being composed of persons subject to Military Law for offences involving a breach of Military duty does not in any way alter the character of the offence committed by him in escaping from their custody.

4. The Court of Foujdaree Udalut see no force in the argument deduced by the Subordinate Judge from the provisions of section VII

Regulation



Regulation I of 1810 any connivance or carelessness on the part of the guard in whose custody the prisoner was travelling would have been a breach of Military duty, which the offence of the prisoner clearly was not, his discharge having divested him of all military duty and consequently of all amenability to Military law.

Ordered that Extract from these proceedings be forwarded to the Session Judge of Salem for his information and for Communication to the Subordinate Judge and Magistrate.-

Sent in No. 5

4th Sheet

Tuesday
28th June 1853.

F. U.

At a Court of the Foujdaree Udalut.

Present

G. S. Hooper Esqre.
W. A. Morehead Esqre.
} Puisne Judges.
T. L. Strange Esqre.

Read extract from the Proceedings of the Session Court of Tinnevelly under date the 10th May 1853.

(Here enter F. U. No. 1130 of 1853.)

Read also Miscellaneous Petition presented on the 20th May 1853. by Mootoosawmy Pillay; appealing against the sentence passed on his brother Soobramonya pillay, the 1st Prisoner in Criminal Case No. 31 on the file of the Principal Sudder Ameen of Tinnevelly:

(Here enter F. M. P. No. 75 of 1853.)

Mr. G. S. Hooper
Mr. W. A. Morehead
and
Mr. T. L. Strange

Before passing final orders on the foregoing petition, the Court of F. U. resolve to call for a translation of the Record of the above case and they direct that, in the mean time the sentence appealed against be suspended.

Ordered that Extract from these proceedings be forwarded to the Session Judge of Tinnevelly for

his information by precept returnable within 15 days from and after its receipt.

Sent following precept No.

Read Calendar of Case No. 19 of 1853 on the file of the Session Court of Masulipatam.

Here enter F. H. No. 1203 of 1853.

1. In this case the prisoners charged with house breaking and theft were acquitted both by the Mohomedan law officer and the acting Session Judge.

2. In consideration however that they were originally apprehended on suspicion through the means of a person still suspected of complicity in this and other robberies and that further evidence may yet be forthcoming the Acting Sessions Judge holds them to security in 35 Rupees each and in default of finding the security declares them liable to imprisonment for that period under Clause 6 Section II Regulation XV of 1803.

3. The Court of Foujdaree Udalut observe that the circumstances stated by the Session Judge do not render the prisoners liable to that "strong suspicion" which authorizes the demanding of security.

4 Upon suspicion of the offence the prisoners were placed upon their trial: the suspicion was there declared to be informed, and the prisoners



were acquitted.

5th As to detaining them for the purpose of obtaining further evidence, the Court of Foujdaree Udalut cannot understand that any advantage would be gained even if such evidence should be found, after the prisoners have been tried and acquitted.

6. They resolve therefore to cancel the demand of security made by the Sessions Judge and to direct that, if in custody, the prisoners shall be unconditionally released

Ordered that Extract from these proceedings be forwarded to the Acting Session Judge of Masulipatam for his information and guidance.

Sudin No.

Read Calendar of Case No. 10 of 1853 of the Session Court of Chingleput.

Here Enter F. H. No. 1336 of 1853.

The Court of Foujdaree Udalut approve of the recommendation made by the Session Judge in this case that the imprisonment, which the Prisoner, noted in the margin, has been adjudged to suffer on his conviction of the crime of Housebreaking with Theft, be reduced to three years imprisonment with hard labor in irons, and they do authorize the Session

Vencataramier

28 June 1853.

Judge to issue his warrant accordingly.

Ordered that Extract from these Proceedings be forwarded to the Session Judge of Chingleput for his information.

Sent in A°.

Ex. Scott

F 76.

Wednesday 29th June 1853.

At a Court of the Foujdaree Adalut

Present

G. L. Cooper Esqr. ——— Puisne Judge

W. A. Morehead Esqr. ——— Puisne Judge

J. L. Strange Esqr. ——— Puisne Judge

Read Criminal Reports submitted by the Session Judge of Rajahmundry for the month of December 1852.

(Herewith F 76. No 192 of 1853)

Read also Calendar of Case No. 15 of 1853 on the file of the Session Court of Cuddalore.

(Herewith F 76. No 1155 of 1853)

Read also letter under date the 17th May 1853 from the Acting Session Judge of Trichinopoly requesting to be furnished with a copy of the Circular instructions referred to in the proceedings of the Court of Foujdaree Adalut under date the 9th October 1847 as having been issued to the several judicial Officers requiring them to enter all cases of theft from the person as

a town or village under the head of Snatching.

(Here enter F. C. No. 1142 of 1853)

On perusal of the foregoing papers the attention of the Judges of the Court of Fouzdaree Udalut has been attracted to the practice under which in conformity with former rulings of this Court all cases of Snatching the designation prescribed by the Court for the offence of theft from the person when committed in a Town or Village are committed for trial to the Courts of Session and disposed of by those tribunals under the provisions of Clause seventh Section II. Regulation XX of 1803.

2. The Judges have been led to reconsider the propriety of the ruling under which this practice has come into operation in consequence of the number of cases of a comparatively trivial character which have thus been placed beyond the jurisdiction of the inferior tribunals and have entailed much additional, and in their opinion, unnecessary labour on the Session Courts.

3. The argument upon which the Court of Fouzdaree Udalut have hitherto declared the offence adverted to to be adjudicable only by the Session Courts viz that it is an offence which under the Mahomedan Law renders the offender liable to discretionary punishment and has not been specifically provided for by any Regulation, appears to the present Judges to be untenable upon the following grounds.

1. In the first place the cognizance of offences punishable under the Mahomedan Law by discretionary punishment, but for which no specific provision has been made in the Regulations, is vested in the Subordinate Criminal Courts and Magistracy by the provisions of Section VIII. Regulation X of 1816 as extended by Section LIV Act XVII of 1843. and under these enactments therefore the offence of "Snatching" unless attended with circumstances of aggravation which would render necessary the infliction of a punishment beyond the powers of the inferior Courts is clearly cognizable by those authorities.

2. But it appears to the Judges that the offence under notice has been specifically provided for in Section III. Regulation VI of 1822 under the designation of "Theft from the person" and that the fact of the designation of

29th June 1853.

of "Snatching," the term applied to it in the Mahomedan Law having been assigned to it by the Court of Foujdaree Udalut when committed in a town or village cannot be deemed to remove it from the general definition of theft from the person in contradistinction to robbery to which the above enactment applies, and that on this ground therefore it is cognizable by the Criminal Courts under the provisions of Clause fourth of the Section above quoted or by the Criminal Courts and Magistracy under Section VII Regulation X of 1816 according as the commission of the offence may have been attended with the circumstances of aggravation adverted to in Clause fourth Section VII Regulation XI of 1822.

4

The Court of Foujdaree Udalut accordingly resolve to direct that in future as a general rule all cases of Snatching be disposed of by the Subordinate Criminal Courts or Magistracy

5

It appears that the Circular instructions adverted to by the Acting Session Judge of Trichinopoly were not issued.

Ordered that Extract from these Proceedings be forwarded to the several Session Judges

F No.

29th June 1853.

Judges for communication to the Subordinate Criminal Judges, Principal Sudr Ameen and Magistrates within their respective jurisdiction

(Sent in No.

Read Letter from the Session Judge of Coimbatore dated 24th May 1853

(Received F No. No 1192 of 1853)

The Session Judge submits with the Letter under review a correspondence between himself and the Magistrate and Civil Surgeon of Coimbatore with respect to the disposal of two female lunatics now confined in the Jail at that station, who by their cries disturb the other Prisoners, and for whom no appropriate place of custody exists - The Session Judge requests the instructions of the Court

It does not appear from the correspondence that the lunatics referred to were originally confined because dangerous consequences were apprehended from their remaining at large, nor does it appear that such consequences are likely to result from their release

2

The Court of Foujdaree Udalut therefore direct that they be released, as the law makes no provision for the confinement of persons merely

merely because they are of unsound mind.

Ordered that Extract from these Proceedings be communicated to the Session Judge of Coimbatore for his information and guidance.

(Sentence No.

Read letter from the Session Judge of Rajahmundry dated 31st May 1853.

(Here enter F. Up. No. 1252 of 1853)

1.

In the above letter the Session Judge requests that he may be permitted to take further evidence tendered by a Convict (prisoner in Case 42 of 1852) to prove that certain jewels, which she has been convicted of having stolen were her own property. He further requests the opinion of the Court as to whether it is competent for a Session Judge to take evidence tendered by a prisoner convicted and sentenced after a full trial without the previous sanction of the Court of Foujdaree Udalut.

2.

The Court of Foujdaree Udalut resolve to call upon the Session Judge to explain why the evidence adverted to was not forthcoming at the trial and to submit a copy of the prisoners' statement made at the trial, and also a copy of her present application.

3.

The Court of Foujdaree Udalut are of



opinion that wherever after sentence passed, a Session Judge sees reason to believe that the giving of further evidence will benefit the prisoner, he should report to them the reason of that belief and the nature of the proposed evidence - but should not proceed to receive it until he has obtained their concurrence in the propriety of doing so.

Ordered that Extract from these Proceedings be forwarded to the Session Judge of Rajahmundry for his information and guidance by Precept returnable in 7 days from and after its receipt.

(Sent following precept No. 5

Ed. Thos W

F. No.

Thursday
9th June 1853.

At a Court of the Fouzdaree Adalut

Present

Hon'ble G. J. Harapeer, Esquire
W. A. Morehead, Esquire
J. L. Strange Esquire
} Puisne Judges

Read letter under date the 9th June 1853 from the Session Judge of Cimbatore forwarding an English Translation of the record of Case No. 6 of 1853, for the final Judgment of the Court of Fouzdaree Adalut.

(Here enter F. No. No. 1377 of 1853.)

Before finally disposing of this case the Court of Fouzdaree Adalut deem it necessary to direct that further evidence be taken to the fact that Palany Gounden the individual with whose murder the prisoner stand charged is missing and in regard to the purpose for which the said Palany Gounden went to the prisoner's village on the occasion upon which it has been stated in the evidence for the prosecution that the murder was committed, and this proceedings when there.

The persons who omit will be necessary to examine are Chinna Tevan the master of

30th June 1853.

of the missing Palany Goundan residing in Salem and Coroochin and Amachy who it is stated were sent by him as messengers to the Prosecutor to inform him that his brother had not arrived at Salem - as also Vadamagoundan and his wife Vallayammal who it would appear are able to depose to the fact of Palany Goundan having gone to the prisoner's village to settle regarding ~~some~~ agricultural matter preparatory to taking his intended departure to Salem.

3.

It is also desirable that the subordinate Officer of Police should be further examined with a view to ascertain the cause of the delay which occurred in the examination of the prisoners who were apprehended on the 1st July and were not examined until the 3rd.

The Subordinate Officers of Police should also be questioned as to the omission on the part of the Prosecutor in his deposition before him to make mention of the deceased 3rd Prisoner having pointed out the spot where the dead body was found.

4.

It will be the duty of the Sessions Judge to call upon the prisoners for a further defence with reference to the additional evidence which the Sessions Judge has been directed to receive.

Ordered that Extract from these Proceedings be sent to the Sessions Judge



of Coimbatore for his information and guidance by precept returnable within XV days from and after its receipt.-

(Sent following precept No ps

Rs 18 8.